

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 10, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Code should be directed to the Office of the City Attorney.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

AGENDA KEY

Consent Agenda:

C2 - Competitive Bid Reports
C4 - Commission Committee Assignments
C6 - Commission Committee Reports
C7 - Resolutions

Regular Agenda:

R2 - Competitive Bid Reports
R5 - Ordinances
R7 - Resolutions
R9 - New Business & Commission Requests
R10 - City Attorney Reports

AGENDA

1. Call to Order - 8:30 a.m.
2. Inspirational Message and Pledge of Allegiance
3. Requests for Additions, Withdrawals, and Deferrals
4. Recess for lunch at approximately 12:00 p.m.

CONSENT AGENDA

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-073-KB For Construction Manager At Risk (CMR) For Construction Of Lincoln Road Improvements.
(Procurement/Capital Improvement Projects)
- C2B Request For Approval To Issue A Request For Proposal (RFP) No. 2016-046-KB For Red Light Violation Camera Enforcement System And Related Support Services.
(Procurement/Police)
- C2C Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2016-057-WG For Investigation, Background, Adjusting And Surveillance Of Selected Tort Liability Claims, Workers' Compensation Claims, And Other Employment Related Matters.
(Procurement/Human Resources)

C4 - Commission Committee Assignments

- C4A Referral To Neighborhood/Community Affairs Committee - Discussion Regarding A Mid-Beach Intermodal Facility.
(Transportation)
- C4B Referral To The February 17, 2016 Sustainability And Resiliency Committee To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.
(Environment & Sustainability)
- C4C Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To Unified Development Sites And The Distribution Of FAR.
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)

- C4D Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To The Establishment Of Minimum Freeboard Requirements And Grade Elevations For New Construction.
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
- C4E Referral To The Sustainability And Resiliency Committee To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces.
(Sponsored by Commissioner Ricky Arriola)
- C4F Referral To The Sustainability And Resiliency Committee To Discuss The Elimination And/OR Phasing Out Of Gas-Powered Leaf Blowers.
(Sponsored by Commissioner Michael Grieco)
- C4G Referral To The Land Use And Development Committee To Discuss A Complete Review Of Sign Ordinances.
(Sponsored by Commissioner Ricky Arriola)
- C4H Referral To Planning Board: Waiver Of Development Regulations Pertaining To Alcoholic Beverages For The North Beach Band Shell, North Beach (UNIDAD) Senior Center, Miami Beach (Shane) Watersports Center And The Botanical Gardens.
(Sponsored by Commissioner Michael Grieco)
- C4I Referral To The Neighborhood/Community Affairs Committee To Discuss Encroachments In The Public Right-Of-Way.
(Capital Improvement Projects)
- C4J Referral To The Land Use And Development Committee And The Planning Board – A Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless Of The Year Of Construction.
(Sponsored by Commissioner Joy Malakoff)

C6 - Commission Committee Reports

- C6A Report Of The January 20, 2016 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Update On Improving Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **4)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program. **5)** Discussion Implementing Citywide Textile And Electronic Recycling.
- C6B Report Of The December 18, 2015 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** 7th Annual Southeast Florida Regional Climate Leadership Summit. **4)** Discussion To Improve Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **5)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program.
- C6C Report Of The January 22, 2016 Finance And Citywide Projects Committee Meeting: **1)** Discussion Regarding The Renewal Of The Agreement Between The City Of Miami Beach And Clear Channel Outdoor, Inc. (F.K.A. Clear Channel Adshel, Inc.), To Construct, Operate And Maintain Bus Shelter Structures And Other Street Furniture Throughout The City, Pursuant To City Of Miami Beach Request For Proposals No. 107-99/00. **2)** Discussion Regarding Incentivizing Local Theater In Miami Beach. **3)** Discussion Regarding Time Capsule 2066.

- C6D Report Of The January 20, 2016 Land Use And Development Committee Meeting: **1.** Annual Evaluation Of Parking Impact Fee Structure. **2.** Discussion On The Collins Canal Project. **3.** Sidewalk Café Ocean Drive Umbrellas: An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date. **4. a)** Discussion Regarding Grade Elevations For New Construction. **4. b)** Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards. **5.** Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit. **6.** Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island. **7.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street - As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking. **8.** An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **9.** Discussion On Expanding The Role Of The Board Of Adjustment To Include The Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect. **10.** Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden. **11.** Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District. **12.** Discussion Regarding Amending Section 118-5 Unity Of Title; Covenant In Lieu Thereof. **13.** An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD-3 District, Washington Avenue Between 16th Street And 17th Street Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue To Include The CD-3, Commercial-High Intensity District Properties Fronting 16th And 17th Street And Authorizing For New Hotel Construction Or Conversion To Hotel Use, With The Minimum Hotel Room Unit Size Of 175 Square Feet, And Provide Some Additional Design Regulations Relating To The Hotel Use; Providing For Codification; Repealer; Severability; And An Effective Date. **14.** Discussion Regarding The City Of Miami Beach's Building Permit Application Process. **15.** Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood. **16.** Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

- C6E Report Of The January 15, 2016 Neighborhood/Community Affairs Committee (NCAC) Meeting: **1)** Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum. **2)** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **3)** Discussion Regarding A Competition Swimming Pool. **4)** Discussion Regarding An Innovative Bicycle Parking System. **5)** Discussion Regarding The Proposed Traffic Flow Modification For 42nd Street, Between Prairie Avenue And Pine Tree Drive. **6)** Discussion And Update Regarding Efforts Thus Far And The Proposal To Conduct A Traffic Calming Study In The Nautilus Area. **7)** Discussion Regarding Citywide Street Light And Coverage Audit. **8)** Monthly Crime Statistics Report. (Recurring Item On A Monthly Basis) **9)** Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1. **10)** Referral To The Neighborhood/Community Affairs Committee - Discuss LTC 001-2016 From The LGBT Advisory Committee Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach. **11)** Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park. **12)** Discussion On The Flamingo Park Master Plan As It Relates To The Demolition Of The Robert C. Haas Racquetball Building And The Addition Of The Padel Courts.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With Grants And Funding Requests From The Following Sources: 1) Firehouse Subs Public Safety Foundation, In The Approximate Amount Of \$20,000; 2) Florida Department Of Transportation, Highway Safety Program, In The Approximate Amount Of \$425,000; 3) Florida Department Of Transportation Motorcycle Safety Program, In The Approximate Amount Of \$75,000; And 4) Florida Office Of The Attorney General, Victims Of Crime Act (VOCA), In The Approximate Amount Of \$243,141.
(Budget & Performance Improvement)
- C7B Resolution Authorizing The City Manager, Or His Designee, To Donate Or Discard Obsolete Firefighting Equipment That Has No Commercial Value As Such Equipment No Longer Meets National Fire Protection Association And Occupational Safety And Health Administration Standards.
(Office of the City Attorney)
- C7C A Resolution Electing Commissioner Micky Steinberg, Group I, As Vice-Mayor, For A Term Commencing On March 1, 2016 And Terminating On June 30, 2016, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.
(Office of the City Clerk)
- C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Agreement, Dated October 10, 2014, Between The City Of Miami Beach And Tyler Technologies, Inc., For Replacing The City's Enterprise Resource Planning (ERP) System, To Amend The Provisions Regarding Reporting Tools, Training, And Professional Services.
(Information Technology)

- C7E A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The School Board Of Miami-Dade County, Florida ("M-DCPS"), For Use Of The Parking Lot At Miami Beach Senior High School To Provide Additional Parking For Events Taking Place At The Miami Beach Convention Center, For An Initial Term Of One (1) Year, With Two (2) One-Year Renewal Options, At The Mutual Discretion Of The City Manager And M-DCPS.
(Organization Development Performance Initiatives/Parking)
- C7F A Resolution Authorizing The City Manager, And/Or His Designee, And City Clerk To Execute A Contract To Be Prepared By The City Attorney, And Any Amendments Or Adjustments As To Scope And Content, With Potential Trainees For The Miami Beach Police Department Pilot Program To Attract Police Officers With No Prior Law Enforcement Experience, But Who Meet Newly Approved Minimum Standards, Including Having Attained Twenty-One Years Of Age At The Time Of Application And Acquired A Bachelor's Degree Prior To Hiring, As Notified To The Mayor And City Commission Through Letter To Commission 385-2015 Dated September 28, 2015.
(Police)
- C7G A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received, Pursuant To Pursuant To Request For Proposals (RFP) No. 2015-176-JR, Elevator Inspection And Plan Review Services.
(Procurement)
- C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Adopt A Rental Fee Waiver Grant Program For The Colony Theatre In An Effort To Incentivize Live Theater In Miami Beach, Said Program To Be Funded By The Community Benefit Fund, And Administered By The Tourism, Culture And Economic Development Department Following Review And Recommendation By The Miami Beach Cultural Arts Council.
(Tourism, Culture & Economic Development)
- C7I A Resolution Approving The Friends Of The Bass Museum, Inc.'s Permanent Placement Within Collins Park Of A Sculpture By Artist Ugo Rondinone Entitled "Mountains," With Such Sculpture Being Accessioned Into The John And Johanna Bass Collection And Maintained By The Friends Of The Bass Museum, Inc., For The Benefit Of The City Of Miami Beach, Florida.
(Tourism, Culture & Economic Development)
- C7J A Resolution Approving And Authorizing The Administration To Negotiate A Lease Agreement, Consistent With The Essential Terms Set Forth In This Resolution, Between The City Of Miami Beach, As Tenant, And Beach Tower, LLC, As Landlord, For Use Of Approximately 3,349 Rentable Square Feet Of Property, Located At 1688 Meridian Avenue, Suite 801, Miami Beach, Florida, To Be Used As Administrative Offices For The City's Transportation Department; Said Lease Agreement Having An Initial Term Of Sixty-Three (63) Months, Commencing On March 1, 2016, And Ending On May 31, 2021, With Two (2) Three (3) Year Renewal Options, At The City's Option; And Upon Successful Negotiations, Authorizing The Mayor And City Clerk To Execute Said Lease Agreement.
(Tourism, Culture & Economic Development)

C7K A Resolution Amending The City's Film And Print Requirements And Guidelines To Exempt Film Permit Requirement For Individual Photographers.
(Tourism, Culture & Economic Development)

C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Professional Services Agreement With Industrial/Organizational Solutions, Inc., Approved By The City Commission On July 18, 2012, Said Amendment To Provide Additional Testing Services During The Third Contract Year For Non-Certified Police Officer Trainees, Certified Police Officers And Fire Fighters; And Requesting Additional Funding, In An Amount Not To Exceed \$85,000.

(Human Resources)
(Item to be Submitted in Supplemental)

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

- R2A Request For Approval To Issue Request For Proposals (RFP) For Design Build Services For The Construction Of A Stormwater Pump Station; Authorizing The City Manager Or His Designee To Advertise For The Installation Of A Storm Water Pumping Station And Associated Storm Sewer Improvements For North Bay Road, Alton Road And The Entrance To Mount Sinai Hospital.
(Public Works)

R5 - Ordinances

- R5A Sustainability And Resiliency
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency," Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Project(s)"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s), Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. **10:00 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Micky Steinberg)
(Legislative Tracking: Planning)
(First Reading on January 13, 2016 - R5K)
- R5B Required Off Street Loading Spaces
An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on January 13, 2016 - R5L)
(Item to be Submitted in Supplemental)

- R5C An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement," By Amending Article II, Entitled "Special Master," By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(First Reading on January 13, 2016 - R5N)

- R5D An Ordinance Amending Chapter 78 Of The Code Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Human Resources)
(First Reading on January 13, 2016 - R5O)
(Item to be Submitted in Supplemental)

- R5E An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV, Entitled "Officers And Employees," By Amending Division I, Entitled "Generally," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Environment And Sustainability Department; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor John Elizabeth Alemán)
(Legislative Tracking: Human Resources)
(First Reading on January 13, 2016 - R5P)

- R5F Amend Ch. 6 - Alcoholic Beverages; And Ch. 142 - Zoning Districts And Alcoholic Beverages
1. Chapter 6 - Alcoholic Beverages

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions", To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. **10:25 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

2. Chapter 142 - Zoning Districts And Alcoholic Beverages
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations," Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," To Delete Division 4, And Section 143-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. **10:26 a.m. First Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)

- R5G An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)a. Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)b, Entitled "Enhancement Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)
(Continued from January 13, 2015 - R5S)

- R5H Consolidation Of Notification Procedures For Single Family Home Determination Of Architectural Significance
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations", At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures;" By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
- R5I An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Sponsored by Vice-Mayor John Elizabeth Alemán)
(Legislative Tracking: Housing & Community Services)
- R5J An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)b, Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

R7 - Resolutions

- R7A A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16.
10:30 a.m. Public Hearing
(Budget & Performance Improvement)

- R7B A Resolution Authorizing The City Manager To Approve And Execute A Work Order With Shiff Construction And Development, Inc., In The Not To Exceed Amount Of \$800,838, For The Construction Of A New Restroom/Office Facility For The Flamingo Park Master Plan Project, Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract; Also Including A Ten Percent Owner's Contingency, In The Amount Of \$80,084, For A Total Of \$880,922.

(Capital Improvement Projects)

- R7C A Resolution Respectfully Urging Florida Governor Rick Scott To Join World And Local Leaders In Recognizing The Findings Of The World's Scientific Community With Regard To Climate Change And Its Current Impacts And Future Implications For The World And The State Of Florida.

(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

- R7D A Resolution Reappointing John C. Dellagloria, Esq. To Serve As A Special Master For Appeals Of Decisions Of The City's Historic Preservation Board For A One Year Period, Ending March 10, 2017 With Renewal Options, And Setting The Compensation At \$150.00, Per Hour, With A Maximum Payment Of \$750.00, Per Case.

(Office of the City Clerk/Office of the City Attorney)

- R7E A Resolution Approving And Authorizing The Administration To Submit The Draft 2016 Beachfront Management Plan, Except Exhibit D, Entitled "Concession Operations Rules & Regulations," Which Is Currently Under Review By The Neighborhood/Community Affairs Committee, To The State Of Florida Department Of Environmental Protection, Division Of State Lands.

(Environment & Sustainability)

- R7F A Resolution Consenting To The Appointment Of Elizabeth Wheaton As The Director Of The Environment And Sustainability Department For The City Of Miami Beach.

(Human Resources)

- R7G A Resolution Authorizing The City Manager To Issue A Request For Proposals (RFP) For Eligible Public Service, Housing, And Capital Activities To Be Funded From The City Of Miami Beach Fiscal Year 2016/2017 Community Development Block Grant (CDBG) And Home Investment Partnerships (HOME) Entitlement Allocations From The U.S. Department Of Housing And Urban Development (HUD).

(Housing & Community Services)

- R7H A Resolution Approving The Amendment Of The Citizen Participation Plan In The Form Attached To This Resolution, To Conform With Federal Regulations And Miami Beach Ordinance No. 2014-3841; Which Amended Citizen Participation Plan Includes, Among Other Clarifications, The Addition Of The Assessment Of Fair Housing, To Be Included With The Consolidated Plan, The Annual Action Plan, And The Performance Report; And Further Clarifying The Criteria Which Would Trigger A Substantial Review Of The Assessment Of Fair Housing Or A Substantial Amendment To The Consolidated Plan Or The Annual Action Plan.

(Housing & Community Services)

- R7I A Resolution Approving And Authorizing The City Manager To Take The Following Actions: (1) Recapture \$188,874.19 Of Community Development Block Grant (CDBG) Funds, Which CDBG Funds Were Previously Allocated Pursuant To The Action Plans For Fiscal Years From 2009 Through 2011, Action Plans For Fiscal Years From 2013 Through 2015, And The FY 2013 Through 2017 Consolidated Plan; And Reallocate Said CDBG Funds, As Follows: (A) \$16,434.45 To The City's Homeless Outreach Team For Public Services And (B) \$172,439.74 To The City's Housing And Community Services Department For A Capital Project; (2) Reassign \$25,000 From FY 15/16 CDBG Funds To The City For Homeless Services; And (3) Reallocate \$73,577.24 Of CDBG Funds Previously Allocated From FY 2011/2012 To FY 2014/2015; Authorizing City Manager To Submit The Requisite Revised Action Plans And Consolidated Plan To HUD; And Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients; And Further Authorizing The City Manager To Execute City Interdepartmental Agreements.
(Housing & Community Services)
- R7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Second Amendment To Lease Agreement With The Miami Beach Police Athletic League, Inc. (PAL), Substantially In The Form Attached To This Resolution, Relating To The Building Located At 999 11th Street (Premises); Said Amendment Establishing The Permitted Uses Under The Lease; Clarifying And Establishing Terms Relating To The Shared Use Of The Premises By The City And PAL; Clarifying The Operational, Management, And Maintenance Obligations With Respect To The Shared Use Of The Premises; Providing PAL With A \$1.00 Per Hour Of The Off-Duty Police Surcharge During The Term Of The Lease; And Further Extending The Lease Agreement Term For An Additional Two (2) Years, Through And Including June 30, 2025.
(Police)
(Deferred from January 13, 2016 - R7G)
(Item to be Submitted in Supplemental)
- R7K A Resolution Authorizing The City Manager To Enter Into Consent Orders With The State Of Florida Department Of Health For Permit Violations Associated With Water Systems Being Placed Into Service Without The State Of Florida, Department Of Health Approval Or Clearance In Violation Of 62-555.345, F.A.C. And 403.121(3)(a).
(Public Works)
(Item to be Submitted in Supplemental)
- R7L A Resolution Consistent With The City Commission Action Of December 9, 2015, Pursuant To Resolution No. 2015-29222, The City Commission Approves And Authorizes The City Manager To Execute An Interlocal Agreement ("Agreement"), Attached Hereto As "Exhibit 1", Between The City Of Miami Beach ("City") And The Miami-Dade County School Board (M-DCSB) In Which The City Will Fund, For A Three Year Term, Certain Prekindergarten Classes For Eligible City Of Miami Beach Residents, And The Prekindergarten Services Would Be Offered At Biscayne Elementary School And Fienberg/Fisher K-8 Center Under The Terms Of The Attached Agreement, Which Pre-Kindergarten Services May Be Accessed By City Of Miami Beach Resident Children From The Four Targeted Schools (Biscayne Elementary School, Fienberg/ Fisher K-8 Center, North Beach Elementary School And South Pointe Elementary School) Following The Registration And Lottery Procedures Delineated In The Interlocal Agreement; With An Estimate Cost Of \$206,558 In Start-Up Costs For Year One, And An Estimated Reoccurring Cost For Years Two And Three Of Approximately \$140,402, Per Grant Year, To Fund The On-Going Costs Of The Classrooms Identified In The Agreement.
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)

- R7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To A Joint Participation Agreement (JPA) With Miami-Dade County To Include The Harmonization Of Dade Boulevard To The West Avenue Bridge Project, With This Addendum, The Total Contribution By The County Of This JPA Will Be In The Amount Of \$5,211,000, Of Which \$3,011,000 Will Be Used For The West Avenue Bridge Project And \$2,200,000 For Dade Boulevard Harmonization Project.
(Public Works)
- R7N A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue A Request For Proposals For The Design Of New Bus Shelters; And Authorizing The City Manager To Extend The Existing Agreement Between The City And Clear Channel Adshel, Inc., On A Month-To-Month Basis, After Its Expiration On October 31, 2016, As Needed, So That The Clear Channel Contract Would Remain In Place Until A New Contract Is Executed.
(Transportation)
- R7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Conduct A Traffic Calming Study In The Nautilus Area.
(Transportation)
- R7P A Resolution Amending Resolution No. 2015-29247 With Respect To The City Commission's Voluntary Imposition Of The City's Cone Of Silence Ordinance To The Solicitation Of Alternative Proposals For A Public-Private Partnership, In Accordance With Florida Statute 287.05712, For An Off-Wire Or "Wireless" Light Rail/Modern Streetcar System ("Project"); Said Amendment For The Limited Purpose Of Permitting The City's Project Consultants And City Staff Designated By The City Manager, To Schedule One-On-One Meetings With Prospective Proposers For Fact-Finding Purposes, As Part Of An Industry Review Process; And Otherwise Continuing To Extend The Requirements Of The City's Cone Of Silence Ordinance, As Set Forth In Section 2-486 Of The City Code, To The Solicitation For The Project.
(Transportation)
- R7Q A Resolution Opposing SB 872 And HB 675, Or Similar Legislation That Would Preempt Local Policies Related To Immigration Detainer Requests.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Office of the City Attorney)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments.
(Office of the City Clerk)
- R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

- R9C Discussion Regarding The Restoration Of The Damaged Portion Of The “Great Spirit” Statue Located On The Traffic Island Between Pine Tree Drive And Flamingo Drive On 40th Street.
(Sponsored by Commissioner Micky Steinberg)
- R9D Discussion Regarding A Public Piano Program.
(Sponsored by Commissioner Michael Grieco)
- R9E Discussion For Policy Direction Regarding Conditional Use Requirements For “DJs” Playing Music At “Ambient” Levels.
(Sponsored by Commissioner Michael Grieco)
- R9F Discussion And Referral To Land Use And Development Committee Regarding City Of Miami Beach Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment.
(Sponsored by Commissioner Michael Grieco)
- R9G Discussion Regarding The Flamingo Park Project.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Capital Improvement Projects)
(Originated from January 13, 2016 - R9U)
- R9H Proclamation To Be Presented To Robert Ravencraft, For Running 15,000 Consecutive Days.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9I Discussion And Referral To The Historic Preservation Board For Consideration To Reclassify Fire Station 1 From A “Non-Contributing” To A “Contributing” Structure.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9J Discussion Regarding The Creation Of A Single Family Home Survey.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9K Discussion Regarding Authorizing The Creation Of A Pilot Program For Specifically Designated Residential Zones That Will Limit On-Street Parking To Only Cars And Trucks.
(Sponsored by Vice-Mayor John Elizabeth Alemán)
- R9L Discussion Regarding The Alton Road At 5th Street Flyover Aesthetics.
(Public Works)
- R9M Discussion On Agreement With MWW Group For Federal Lobbying Services.
(Sponsored by Mayor Philip Levine)

- R9N Presentation By The School Board On Fienberg Fisher K-8 Center.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9O Introduction Of University Of Cambridge Professor, Dr. Ariel Barak, Who Is Working With The Miami Beach Police Department On The Body Work Camera Grant/Multi-Year Study.
(Police)
- R9P Discussion Regarding Allowing Leniency In Enforcement For Deliveries And Tourist Bus Disembarkation On Collins Avenue Between 63rd And 75th Streets For A Defined Daily Time Window Outside Of Normal "Rush Hour" Periods (Such As 9:00 a.m. - 3:00 p.m.), While Discussions For A More Permanent Solution Are Had.
(Sponsored by Vice-Mayor John Elizabeth Alemán)
- R9Q Consideration Of Straw Ballot On Whether Or Not To Retain City Of Miami Beach Red Light Camera Program.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

R10 - City Attorney Reports

- R10A City Attorney's Status Report.
(Office of the City Attorney)

Reports and Informational Items

1. Reports and Informational Items (see LTC 048-2016)
2. List Of Projects Covered By The Cone Of Silence Ordinance - LTC No. 043-2016.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)
4. Miami Beach Convention Center Monthly Construction Project Update - LTC.
(Office of the City Manager)
(LTC to be Submitted in Supplemental)

End of Regular Agenda

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COMPETITIVE BID REPORTS

COMMISSION ITEM SUMMARY

Condensed Title:

REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-073-KB FOR CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD IMPROVEMENTS

Key Intended Outcome Supported:

Maximize The Miami Beach Brand As A World Class Destination

Supporting Data (Surveys, Environmental Scan, etc.):

N/A

Item Summary/Recommendation:

The Lincoln Road District Enhancement Project encompasses the Lincoln Road pedestrian mall and adjacent Lincoln Lane North and Lincoln Lane South between Lenox Avenue and Collins Avenue. The enhancement project extends to 16th Street along Drexel Avenue. On December 9, 2015, the Mayor and City Commission approved the issuance of Request for Qualification (RFQ) 2015-245-KB for the Planning, Design, Bid and Award, and Construction Administration Services for the Lincoln Road District Improvements Project.

The City of Miami Beach is seeking proposals from qualified vendors to enter into a contract for Construction Management at Risk services for the construction of the Lincoln Road District Improvements and its related infrastructure inclusive of pre-construction services. Construction phase services shall also be included via a Guaranteed Maximum Price (GMP) amendment. The Lincoln Road District Improvements project encompasses the Lincoln Road pedestrian mall and adjacent Lincoln Lane North and Lincoln Lane South between Lenox Avenue and Collins Avenue. The enhancement project extends to 16th Street along Drexel Avenue. The proposed design is going to include: enhancement of pedestrian walkways and café zones, modifications to the existing planters and water features, landscape and irrigation, storm and sewer drainage, lighting and signalization, performance/multipurpose area at Euclid Avenue, outdoor furniture and outdoor seating areas, milling and resurfacing of pavement surfaces, crosswalk enhancements, and an artistic gateway folly at Lincoln Road and Washington Avenue with visitor's guide and wayfinding.

RECOMMENDATION

To seek proposals from interested parties, the Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida authorize the issuance of RFQ No. 2016-073-KB for Construction Manager at Risk (CMR) for Construction of Lincoln Road Improvements.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	N/A	N/A	N/A
2			
Total			

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Alex Denis, David Martinez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD  DM 	MT  EC 	JLM 

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-073-KB FOR CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD IMPROVEMENTS**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFQ.

BACKGROUND

The Lincoln Road District Enhancement Project encompasses the Lincoln Road pedestrian mall and adjacent Lincoln Lane North and Lincoln Lane South between Lennox Avenue and Collins Avenue. The enhancement project extends to 16th Street along Drexel Avenue. On December 9, 2015, the Mayor and City Commission approved the issuance of Request for Qualification (RFQ) 2015-245-KB for the Planning, Design, Bid and Award, and Construction Administration Services for the Lincoln Road District Improvements Project.

The City of Miami Beach is seeking proposals from qualified vendors to enter into a contract for Construction Management at Risk services for the construction of the Lincoln Road District Improvements and its related infrastructure inclusive of pre-construction services. Construction phase services shall also be included via a Guaranteed Maximum Price (GMP) amendment. The Lincoln Road District Improvements project encompasses the Lincoln Road pedestrian mall and adjacent Lincoln Lane North and Lincoln Lane South between Lennox Avenue and Collins Avenue. The enhancement project extends to 16th Street along Drexel Avenue. The proposed design is going to include: enhancement of pedestrian walkways and café zones, modifications to the existing planters and water features, landscape and irrigation, storm and sewer drainage, lighting and signalization, performance/multipurpose area at Euclid Avenue, outdoor furniture and outdoor seating areas, milling and resurfacing of pavement surfaces, crosswalk enhancements, and an artistic gateway folly at Lincoln Road and Washington Avenue with visitor's guide and wayfinding.

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, RFQ 2016-073-KB for Construction Manager at Risk (CMR) for Construction of Lincoln Road Improvements (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, RFQ 2016-073-KB for Construction Manager at Risk (CMR) for Construction of Lincoln Road Improvements (attached).
- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, RFQ 2016-073-KB for Construction Manager at Risk (CMR) for Construction of Lincoln Road Improvements (attached).

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFQ No. 2016-073-KB for Construction Manager at Risk (CMR) for Construction of Lincoln Road Improvements is subject to funds availability approved through the City's budgeting process.

ATTACHMENTS

Attachment A: RFQ 2016-073-KB for Construction Manager at Risk (CMR) for Construction of Lincoln Road Improvements.

JLM / MT / DM / AD

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REQUEST FOR QUALIFICATIONS (RFQ)

CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD DISTRICT IMPROVEMENTS

2016-073-KB

RFQ ISSUANCE DATE: FEBRUARY 16, 2016

STATEMENTS OF QUALIFICATIONS DUE: APRIL 5, 2016 @ 3:00 PM

ISSUED BY: KRISTY BADA



MIAMIBEACH

KRISTY BADA, CONTRACTING OFFICER II

PROCUREMENT DEPARTMENT

1755 Meridian Avenue, 3rd Floor, Miami Beach, FL 33139

305.673.7000 x**6218** | www.miamibeachfl.gov

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SECTION 0200**INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS**

1. GENERAL. This Request for Qualifications (RFQ) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposer to submit their qualifications, proposed scopes of work and cost Statement of Qualifications (the "proposal") to the City for the City's consideration as an option in achieving the required scope of services and requirements as noted herein. All documents released in connection with this solicitation, including all appendixes and addenda, whether included herein or released under separate cover, comprise the solicitation, and are complementary to one another and together establish the complete terms, conditions and obligations of the Proposer and, subsequently, the successful proposer(s) (the "contractor[s]") if this RFQ results in an award.

The City utilizes **PublicPurchase** (www.publicpurchase.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFQ. Any prospective proposer who has received this RFQ by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFQ. **Failure to receive an addendum may result in disqualification of proposal submitted.**

2. PURPOSE.

The Purpose of this Request for Qualifications (RFQ) is to qualify and select a Proposer for Construction Management at Risk services for the construction of the Lincoln Road District Improvements and its related infrastructure ("the Project") inclusive of pre-construction services. Construction phase services shall also be included via a Guaranteed Maximum Price (GMP) amendment. Additionally, the terms "FIRM", "PROPOSER", "CONSULTANT" are used interchangeably and shall refer to the firm that will contract with the City for the performance of construction management services. The Lincoln Road District Improvements project encompasses the Lincoln Road pedestrian mall and adjacent Lincoln Lane North and Lincoln Lane South between Lenox Avenue and Collins Avenue, inclusive of connecting thoroughfares. The enhancement project extends to 16th Street along Drexel Avenue and may also expand to 17th Street between Pennsylvania Avenue and Washington Avenue. On December 9, 2015, the Mayor and City Commission approved the issuance of Request for Qualification (RFQ) 2015-245-KB for the Planning, Design, Bid, and Award, and Construction Administration Services for the Lincoln Road District Improvements Project. Responses for this RFQ are due on February 5, 2016. The proposed design is going to include: enhancement of pedestrian walkways and café zones, modifications to the existing planters and water features, landscape and irrigation, storm and sewer drainage and other underground infrastructure, lighting and signalization, performance/multipurpose area at Euclid Avenue, outdoor furniture and outdoor seating areas, milling and resurfacing of pavement surfaces, crosswalk enhancements, and an artistic gateway folly at Lincoln Road and Washington Avenue with visitor's guide and wayfinding.

3. CONSTRUCTION MANAGEMENT AT RISK (CMR) SCOPE OF SERVICES.

The City seeks Proposals from construction management, construction management at risk, design/build, or general contractor firms to provide preconstruction services and construction phase services via a Guaranteed Maximum Price (GMP) amendment for the construction of the Lincoln Road District Improvements. The successful firm must demonstrate an ability to provide multi-disciplinary management in the areas of facility assessment, scope definition/validation, planning, public engagement, cost estimating, scheduling, quality control and assurance plan, building code review/inspection, design, construction, closeout, and warranty services, as set forth more fully in the Statement of Work Required set forth in Appendix C of this RFQ, including, but not limited to:

- i. Developing and monitoring the Project schedule and budget to ensure Project implementation needs are met;

- ii. Conducting design reviews and providing value engineering services, with recommendations to the Design Professional, regarding construction feasibility, selection of materials, systems, equipment, pricing and scheduling;
- iii. Establishing an agreed-upon Guaranteed Maximum Price (GMP) which must be consistent with City's budget and Project design requirements, and for which the Construction Management (CM) shall be "at risk" for delivery of all work required for completion of the Project in accordance with the Project schedule;
- iv. Providing cost estimating during design and construction;
- v. Maintaining a system of cost control;
- vi. Coordinating the letting and award of multiple bid packages for subcontractor trades, and coordinating the work of all contractors performing work on the Project;
- vii. Providing compliance services with respect to contract activities, including enforcement of prevailing wage requirements;
- viii. Evaluating design resolutions as related to schedule and budget;
- ix. Providing full-time construction supervision services, including scheduling, conducting progress meetings and preparing minutes and other reports with respect to the progress of the Project;
- x. Implementing a commissioning program for the Project;
- xi. Establishing a Contractor Controlled Insurance Program, whereby all eligible participants involved in the Project are covered by a single insurance program;
- xii. Coordinating the implementation of the City's Art in Public Places (AIPP) commissions and art installations for the Project, with all such work covered within the GMP (provided, however, the City shall separately fund the commissioning of all AIPP works);
- xiii. Assembling and timely submitting to the City all maintenance and operations manuals, warranty documents and "as-builts"; and providing construction management services during warranty period;
- xiv. Coordinating site construction management services including, but not limited to, regular job site meetings, maintaining daily on-site project log and schedule report, overseeing quality assurance, testing and inspection programs, monitoring construction management staff and sub-contractor work performance for deficiencies, maintaining record copies of all contract documents, change orders and other documentation on site, overseeing construction management staff and subcontractor safety programs;
- xv. Monitoring for the presence of existing asbestos containing building materials, mitigation of existing asbestos containing building materials, and certify to the City that no asbestos containing material has been used;
- xvi. Updating and maintaining master project schedules, detailed construction schedules, submittal schedules, phasing schedules, inspection schedules, and occupancy schedules;
- xvii. Providing monthly progress reports to the City;
- xviii. Submitting exception-based status reports, associated with the Best Value Quality Control Plan, addressing conditions, situations, and events that introduce risk to the project, in terms of cost, schedule, quality, and City's expectations, and including the CMR's plan to mitigate the risk(s);
- xix. Coordinating with the Design Professional and City representative(s) the substantial and final inspections, prior to the Design Professional approval and issuance of the Certificate of Substantial Completion.

4. SOLICITATION TIMETABLE. The tentative schedule for this solicitation is as follows:

Solicitation Issued	FEBRUARY 16, 2016
Pre-Submittal Meeting	MARCH 1, 2016 @ 10:00AM
Deadline for Receipt of Questions	MARCH 22, 2016 @ 5:00PM
Responses Due	APRIL 5, 2016 @ 3:00PM
Evaluation Committee Review	TBD

Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	TBD
Contract Negotiations	Following Commission Approval

5. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact:
KRISTY BADA

Telephone:
305-673-7490 X6218

Email:
KRISTYBADA@MIAMIBEACHFL.GOV

Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

6. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled.

A Pre-Proposal conference will be held as scheduled in Anticipated RFQ Timetable section above at the following address:

**City of Miami Beach
Procurement Department Conference Room
1755 Meridian Avenue, 3RD Floor
Miami Beach, Florida 33139**

Attendance (in person or via telephone) is encouraged and recommended as a source of information, but is not mandatory. Proposers interested in participating in the Pre-Proposal Submission Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1- 888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 5804578

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFQ expressing their intent to participate via telephone.

7. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*. Any prospective proposer who has received this RFQ by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFQ. Failure to receive an addendum may result in disqualification of proposal. Written questions should be received no later than the date outlined in the **Anticipated RFQ Timetable** section.

8. CONE OF SILENCE. This RFQ is subject to, and all proposers are expected to be or become familiar with, the City's Cone of Silence Requirements, as codified in Section 2-486 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their response voidable, in the event of such non-compliance. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov

9. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

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| • CONE OF SILENCE..... | CITY CODE SECTION 2-486 |
| • PROTEST PROCEDURES..... | CITY CODE SECTION 2-371 |
| • DEBARMENT PROCEEDINGS..... | CITY CODE SECTIONS 2-397 THROUGH 2-485.3 |
| • LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... | CITY CODE SECTIONS 2-481 THROUGH 2-406 |
| • CAMPAIGN CONTRIBUTIONS BY VENDORS..... | CITY CODE SECTION 2-487 |
| • CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... | CITY CODE SECTION 2-488 |
| • REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... | CITY CODE SECTION 2-373 |
| • LIVING WAGE REQUIREMENT..... | CITY CODE SECTIONS 2-407 THROUGH 2-410 |
| • LOCAL PREFERENCE FOR MIAMI BEACH-BASED VENDORS..... | CITY CODE SECTION 2-372 |
| • PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... | CITY CODE SECTION 2-374 |
| • FALSE CLAIMS ORDINANCE..... | CITY CODE SECTION 70-300 |
| • ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... | CITY CODE SECTION 2-449 |

10. PUBLIC ENTITY CRIME. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

11. COMPLAINT WITH THE CITY'S LOBBYIST LAWS. This RFQ is subject to, and all Proposers are expected to be or become familiar with, all City lobbyist laws. Proposers shall be solely responsible for ensuring that all City lobbyist laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including, without limitation, disqualification of their responses, in the event of such non-compliance.

12. DEBARMENT ORDINANCE: This RFQ is subject to, and all proposers are expected to be or become familiar with, the City's Debarment Ordinance as codified in Sections 2-397 through 2-406 of the City Code.

13. WITH THE CITY'S CAMPAIGN FINANCE REFORM LAWS. This RFQ is subject to, and all Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their responses, in the event of such non-compliance.

14. CODE OF BUSINESS ETHICS. Pursuant to City Resolution No.2000-23879, the Proposer shall adopt a Code of Business Ethics ("Code") and submit that Code to the Procurement Division with its response or within five

(5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

15. AMERICAN WITH DISABILITIES ACT (ADA). Call 305-673-7490 to request material in accessible format; sign language interpreters (five (5) days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673- 7000, Extension 2984.

16. POSTPONEMENT OF DUE DATE FOR RECEIPT OF PROPOSALS. The City reserves the right to postpone the deadline for submittal of proposals and will make a reasonable effort to give at least three (3) calendar days written notice of any such postponement to all prospective Proposers through *PublicPurchase*.

17. PROTESTS. Proposers that are not selected may protest any recommendation for selection of award in accordance with eh proceedings established pursuant to the City's bid protest procedures, as codified in Sections 2-370 and 2-371 of the City Code (the City's Bid Protest Ordinance). Protest not timely made pursuant to the requirements of the City's Bid Protest Ordinance shall be barred.

18. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City Code Section 2-374, the City shall give a preference to a responsive and responsible Proposer which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent (5%) of the lowest responsive, responsible proposer, by providing such proposer an opportunity of providing said goods or contractual services for the lowest responsive proposal amount (or in this RFQ, the highest proposal amount). Whenever, as a result of the foregoing preference, the adjusted prices of two (2) or more proposers which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise constitute the lowest proposal pursuant to an RFQ or oral or written request for quotation, and such proposals are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the service-disabled veteran business enterprise.

19. DETERMINATION OF AWARD. The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. The City Manager's recommendation need not be consistent with the scoring results identified herein and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

20. NEGOTIATIONS. Following selection, the City reserves the right to enter into further negotiations with the selected Proposer. Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Proposer in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Proposers that no property, contract or legal rights of any kind shall be created at any time until and unless an Agreement has been agreed to; approved by the City; and executed by the parties.

21. Postponement/Cancellation/Acceptance/Rejection. The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, responses; re-advertise this RFQ; postpone or cancel, at any time, this RFQ process; or waive any irregularities in this RFQ, or in any responses received as a result of this RFQ. Reasonable efforts will be made to either award the proposer the contract or reject all proposals within one-hundred twenty (120) calendar days after proposal opening date. A proposer may withdraw its proposal after expiration of one hundred twenty (120) calendar days from the date of proposal opening by delivering written notice of withdrawal to the Department of Procurement Management prior to award of the contract by the City Commission.

22. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

23. COSTS INCURRED BY PROPOSERS. All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the City.

24. RELATIONSHIP TO THE CITY. It is the intent of the City, and Proposers hereby acknowledge and agree, that the successful Proposer is considered to be an independent contractor, and that neither the Proposer, nor the Proposer's employees, agents, and/or contractors, shall, under any circumstances, be considered employees or agents of the City.

24. OCCUPATIONAL HEALTH AND SAFETY. In compliance with Chapter 442, Florida Statutes, any toxic substance listed in Section 38F-41.03 of the Florida Administrative Code delivered as a result of this proposal must be accompanied by a Material Safety Data Sheet (MSDS) which may be obtained from the manufacturer.

25. ENVIRONMENTAL REGULATIONS. The City reserves the right to consider a proposer's history of citations and/or violations of environmental regulations in investigating a proposer's responsibility, and further reserves the right to declare a proposer not responsible if the history of violations warrant such determination in the opinion of the City. Proposer shall submit with its proposal, a complete history of all citations and/or violations, notices and dispositions thereof. The non-submission of any such documentation shall be deemed to be an affirmation by the Proposer that there are no citations or violations. Proposer shall notify the City immediately of notice of any citation or violation which proposer may receive after the proposal opening date and during the time of performance of any contract awarded to it.

26. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

27. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this RFQ. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

28. PAYMENT. Payment will be made by the City after the goods or services have been received, inspected, and found to comply with contract, specifications, free of damage or defect, and are properly invoiced. Invoices must be consistent with Purchase Order format.

29. COPYRIGHT, PATENTS & ROYALTIES. Proposer shall indemnify and save harmless the City of Miami Beach, Florida, and its officers, employees, contractors, and/or agents, from liability of any nature or kind, including cost and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the City of Miami Beach, Florida. If the Proposer uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the proposal prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

30. DEFAULT: Failure or refusal of the selected Proposer to execute a contract following approval of such contract by the City Commission, or untimely withdrawal of a response before such award is made and approved, may result in a claim for damages by the City and may be grounds for removing the Proposer from the City's vendor list.

31. MANNER OF PERFORMANCE. Proposer agrees to perform its duties and obligations in a professional manner and in accordance with all applicable Local, State, County, and Federal laws, rules, regulations and codes. Lack of knowledge or ignorance by the Proposer with/of applicable laws will in no way be a cause for relief from responsibility. Proposer agrees that the services provided shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Proposer agrees to furnish to the City any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws, rules, and regulations. Proposer further certifies that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Proposer to comply with this paragraph shall constitute a material breach of this contract.

Where contractor is required to enter or go on to City of Miami Beach property to deliver materials or perform work or services as a result of any contract resulting from this solicitation, the contractor will assume the full duty, obligation and expense of obtaining all necessary licenses, permits, and insurance, and assure all work complies with all applicable laws. The contractor shall be liable for any damages or loss to the City occasioned by negligence of the Proposer, or its officers, employees, contractors, and/or agents, for failure to comply with applicable laws.

32. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

33. NON-DISCRIMINATION. The Proposer certifies that it is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin. In accordance with the City's Human Rights Ordinance, codified in Chapter 62 of the City Code, Proposer shall prohibit (and cause hotel operator to prohibit) discrimination by reason of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age or disability in the sale, lease, use or occupancy of the Hotel Project or any portion thereof.

34. DEMONSTRATION OF COMPETENCY. The city may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the City, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.
- D. The terms "equipment and organization", as used herein shall, be construed to mean a fully equipped and well established company in line with the best business practices in the industry, and as determined by the City of Miami Beach.
- E. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience), in making an award that is in the best interest of the City.
- F. The City may require Proposer s to show proof that they have been designated as authorized representatives of a manufacturer or supplier, which is the actual source of supply. In these instances, the City may also require material information from the source of supply regarding the quality, packaging, and characteristics of the products to be supply to the City.

35. ASSIGNMENT. The successful Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract, including any or all of its right, title or interest therein, or his/her or its power to execute such contract, to any person, company or corporation, without the prior written consent of the City.

36. LAWS, PERMITS AND REGULATIONS. The Proposer shall obtain and pay for all licenses, permits, and inspection fees required to complete the work and shall comply with all applicable laws.

37. OPTIONAL CONTRACT USAGE. When the successful Proposer (s) is in agreement, other units of government or non-profit agencies may participate in purchases pursuant to the award of this contract at the option of the unit of government or non-profit agency.

38. VOLUME OF WORK TO BE RECEIVED BY CONTRACTOR. It is the intent of the City to purchase the goods and services specifically listed in this solicitation from the contractor. However, the City reserves the right to purchase any goods or services awarded from state or other governmental contract, or on an as-needed basis through the City's spot market purchase provisions.

39. DISPUTES. In the event of a conflict between the documents, the order of priority of the documents shall be as follows:

- A. Any contract or agreement resulting from the award of this solicitation; then
- B. Addendum issued for this solicitation, with the latest Addendum taking precedence; then
- C. The solicitation; then
- D. The Proposer's proposal in response to the solicitation.

40. INDEMNIFICATION. The Proposer shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the agreement by the contractor or its employees, agents, servants, partners, principals or subcontractors. The contractor shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may be incurred thereon. The Proposer expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided. The above indemnification provisions shall survive the expiration or termination of this Agreement.

41. CONTRACT EXTENSION. The City reserves the right to require the Contractor to extend contract past the stated termination date for a period of up to 120 days in the event that a subsequent contract has not yet been awarded. Additional extensions past the 120 days may occur as needed by the City and as mutually agreed upon by the City and the contractor.

42. FLORIDA PUBLIC RECORDS LAW. Proposers are hereby notified that all Bid including, without limitation, any and all information and documentation submitted therewith, are exempt from public records requirements under Section 119.07(1), Florida Statutes, and s. 24(a), Art. 1 of the State Constitution until such time as the City provides notice of an intended decision or until thirty (30) days after opening of the proposals, whichever is earlier. Additionally, Contractor agrees to be in full compliance with Florida Statute 119.0701 including, but not limited to, agreement to (a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the services; (b) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

43. OBSERVANCE OF LAWS. Proposers are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFQ (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Proposer will in no way relieve it from responsibility for compliance.

44. CONFLICT OF INTEREST. All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

45. MODIFICATION/WITHDRAWALS OF PROPOSALS. A Proposer may submit a modified Proposal to replace all or any portion of a previously submitted Proposal up until the Proposal due date and time. Modifications received after the Proposal due date and time will not be considered. Proposals shall be irrevocable until contract award unless withdrawn in writing prior to the Proposal due date, or after expiration of **120** calendar days from the opening of Proposals without a contract award. Letters of withdrawal received after the Proposal due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

47. EXCEPTIONS TO RFQ. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFQ, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the RFQ to which Proposer took exception to (as said term and/or condition was originally set forth on the RFQ).

48. ACCEPTANCE OF GIFTS, FAVORS, SERVICES. Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Proposal. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

49. SUPPLEMENTAL INFORMATION. City reserves the right to request supplemental information from Proposers at any time during the RFQ solicitation process.

50. ADDITIONAL SERVICES. Although this solicitation and resultant contract identifies specific goods, services or facilities ("items"), it is hereby agreed and understood that the City, through the approval of the Department and Procurement Directors (for additional items up to \$50,000) or the City Manager (for additional items greater than \$50,000), may require additional items to be added to the Contract which are required to complete the work. When additional items are required to be added to the Contract, awarded vendor(s), as applicable to the item being requested, under this contract may be invited to submit price quote(s) for these additional requirements. If these quote(s) are determined to be fair and reasonable, then the additional work will be awarded to the current contract vendor(s) that offers the lowest acceptable pricing. The additional items shall be added to this contract by through a Purchase Order (or Change Order if Purchase Order already exists). In some cases, the City may deem it necessary to add additional items through a formal amendment to the Contract, to be approved by the City Manager.

The City may determine to obtain price quotes for the additional items from other vendors in the event that fair and reasonable pricing is not obtained from the current contract vendors, or for other reasons at the City's discretion.

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SECTION 0300
SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. One original Statement of Qualifications (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, proposer name, proposer return address. Statement of Qualifications received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE BIDS. Statement of Qualifications are to be received on or before the due date established herein for the receipt of Bids. **Any Bid received after the deadline established for receipt of Statement of Qualifications will be considered late and not be accepted or will be returned to proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. STATEMENTS OF QUALIFICATIONS FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Statement of Qualifications, it is strongly recommended that Statement of Qualifications be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Statement of Qualifications that do not include the required information will be deemed non-responsive and will not be considered.

TAB 1	Cover Letter & Minimum Qualifications Requirements
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1.1 Cover Letter and Table of Contents. The cover letter must indicate Proposer and Proposer Primary Contact for the purposes of this solicitation.

1.2 Response Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed.

1.3 Prime Proposer's Key Team. Identify the following key team members:

Prime Proposer

Lead Project Manager

1.4 Minimum Qualifications Requirements. Submit verifiable information documenting compliance with the minimum qualifications requirements, including each key team member, established in Appendix C, Minimum Requirements and Specifications.

TAB 2	Experience & Qualifications
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2.1 GSA 527 Form. The proposing firm shall submit a completed General Services Administration (GSA) 527 form. No proposal will be considered without this required form. Form can be found at:

<http://www.gsa.gov/portal/forms/download/115238>

2.2 Qualifications of Prime Proposer. Submit detailed information regarding the prime proposer's history and relevant experience and proven track record of providing the scope of services similar as identified in this solicitation, including experience in providing similar scope of services to public sector agencies. For each project that the proposer submits as evidence of similar experience, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.

2.3 Qualifications of Proposer Team. Provide an organizational chart of all personnel and consultants to be used for this project if awarded, the role that each team member will play in providing the services detailed herein and each team members' qualifications. A resume of each individual, including education, experience, and any other pertinent information, shall be included for each respondent team member to be assigned to this contract.

2.4 Financial Capacity. Each proposer shall arrange for Dun & Bradstreet to submit a Supplier Qualification Report (SQR) directly to the Procurement Contact named herein. No proposal will be considered without receipt, by the City, of

the SQR directly from Dun & Bradstreet. The cost of the preparation of the SQR shall be the responsibility of the Proposer. The Proposer shall request the SQR report from D&B at:

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>

Proposals are responsible for the accuracy of the information contained in its SQR. It is highly recommended that each proposer review the information contained in its SQR for accuracy prior to submittal to the City and as early as possible in the solicitation process. For assistance with any portion of the SQR submittal process, contact Dun & Bradstreet at 800-424-2495.

TAB 3	Scope of Services Proposed
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3.1 Submit detailed information outlining the scope of services that the proposer is proposing. For any scope requirement identified in Appendix C, Minimum Requirements and Specifications, proposer is to clearly articulate how the proposed solution satisfies the scope requirement. Proposers may offer complementary or related services or solutions beyond the stated scope requirements.

Responses shall be in sufficient detail and include supporting documentation, as applicable, which will allow the Evaluation Committee to complete a full review and score the proposed scope of services.

TAB 4	Approach and Methodology
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4.1 For each scope of service outlined in Tab 3, Scope of Services, submit detailed information on the approach and methodology how proposer plans to accomplish the proposed scope of services, including detailed information, as applicable, which addresses, but need not be limited to: stakeholder communications, implementation plan, project timeline, phasing options, testing and risk mitigation options for assuring project is implemented on time and within budget.

4.2 Provide information on Proposer's current workload and how the potential project(s) will fit into Proposer's workload. Describe available facilities, technological capabilities and other available resources you offer for the potential project(s). Provide preliminary staging, staffing, and logistics plan.

4.3 Submit evidence of Proposer's intent to utilize Disadvantaged Business Enterprise (DBE) Firms. Accepted DBE certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County.

4.4 Submit Proposer's approach to incorporating sustainable principles into the scope of the work that addresses (but is not limited to) the following:

- use water, energy, lumber, and other resources efficiently
- promote and enhance pedestrian experience
- enhance human health
- strengthen local economy and community
- conserve plants, including endangered species, and natural habitats
- protect and enhance historical elements
- reduce consumption and promote economical construction and operations.

Note: After proposal submittal, the City reserves the right to require additional information from Proposer (or proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

SECTION 0400**STATEMENTS OF QUALIFICATIONS EVALUATION**

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the requirements set forth in the solicitation. If further information is desired, Proposals may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Statement of Qualifications will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the Statement of Qualifications only. The Evaluation Committee does not make an award recommendation to the City Manager. The results of Step 1 & Step 2 Evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission. In the event that only one responsive proposal is received, the City Manager, after determination that the sole responsive proposal materially meets the requirements of the RFP, may, without an evaluation committee, recommend to the City Commission that the Administration enter into negotiations.

2. Step 1 Evaluation. The first step will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step will consist of quantitative criteria established below to be added to the Evaluation Committee results by the Department of Procurement Management. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the qualifications criteria established below for Step 1, Qualitative Criteria. In doing so, the Evaluation Committee may review and score all proposals received, with or without conducting interview sessions.

Step 1 - Qualitative Criteria	Maximum Points
Proposer Experience and Qualifications, including Financial Capability	70
Approach and Methodology	30
TOTAL AVAILABLE STEP 1 POINTS	100

3. Step 2 Evaluation. Following the results of Step 1 Evaluation of qualitative criteria, the Proposer may receive additional quantitative criteria points to be added by the Department of Procurement Management to those points earned in Step 1, as follows.

Step 2 - Quantitative Criteria	
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	5

5. Determination of Final Ranking. At the conclusion of the Evaluation Committee Step 1 scoring, Step 2 Points will be added to each evaluation committee member's scores by the Department of Procurement Management. Step 1 and 2 scores will be converted to rankings in accordance with the example below:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	22	15	12
	Total	104	91	92
	Rank	1	3	2
Committee Member 2	Step 1 Points	79	85	72
	Step 2 Points	22	15	12
	Total	101	100	84
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	22	15	12
	Total	102	89	78
	Rank	1	2	3
Low Aggregate Score		3	7	8
Final Ranking*		1	2	3

* Final Ranking is presented to the City Manager for further due diligence and recommendation to the City Commission. Final Ranking does not constitute an award recommendation until such time as the City Manager has made his recommendation to the City Commission, which may be different than final ranking results.

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APPENDIX A



MIAMI BEACH

Response Certification, Questionnaire & Requirements Affidavit

2016-073-KB
CONSTRUCTION MANAGER AT RISK
(CMR) FOR CONSTRUCTION OF
LINCOLN ROAD IMPROVEMENTS

PROCUREMENT DEPARTMENT
1755 MERIDIAN AVENUE, 3RD FLOOR
Miami Beach, Florida 33139

Solicitation No: 2016-073-KB	Solicitation Title: CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD IMPROVEMENTS	
Procurement Contact: KRISTY BADA	Tel: 305-673-7490 X6218	Email: KRISTYBADA@MIAMIBEACHFL.GOV

STATEMENTS OF QUALIFICATIONS CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Response Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposals of certain solicitation and contractual requirements, and to collect necessary information from Proposals in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Statement of Qualifications Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:	
No of Years in Business:	No of Years in Business Locally:
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:	
FIRM PRIMARY ADDRESS (HEADQUARTERS):	
CITY:	
STATE:	ZIP CODE:
TELEPHONE NO.:	
TOLL FREE NO.:	
FAX NO.:	
FIRM LOCAL ADDRESS:	
CITY:	
STATE:	ZIP CODE:
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:	
ACCOUNT REP TELEPHONE NO.:	
ACCOUNT REP TOLL FREE NO.:	
ACCOUNT REP EMAIL:	
FEDERAL TAX IDENTIFICATION NO.:	

The City reserves the right to seek additional information from proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the proposer to perform in accordance with contract requirements.

1. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

2. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Proposers must also disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

3. **References & Past Performance.** Proposer shall submit at least three (3) references for whom the Proposer has completed work similar in size and nature as the work referenced in solicitation.

SUBMITTAL REQUIREMENT: For each reference submitted, the following information is required: 1) Firm Name, 2) Contact Individual Name & Title, 3) Address, 4) Telephone, 5) Contact's Email and 6) Narrative on Scope of Services Provided.

4. **Suspension, Debarment or Contract Cancellation.** Has Proposer ever been debarred, suspended or other legal violation, or had a contract cancelled due to non-performance by any public sector agency?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

5. **Vendor Campaign Contributions.** Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their Proposals, in the event of such non-compliance.

SUBMITTAL REQUIREMENT: Submit the names of all individuals or entities (including your sub-consultants) with a controlling financial interest as defined in solicitation. For each individual or entity with a controlling financial interest indicate whether or not each individual or entity has contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach.

6. **Code of Business Ethics.** Pursuant to City Resolution No.2000-23879, each person or entity that seeks to do business with the City shall adopt a Code of Business Ethics ("Code") and submit that Code to the Department of Procurement Management with its proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. **Living Wage.** Pursuant to Section 2-408 of the Miami Beach City Code, as same may be amended from time to time, Proposers shall be required to pay all employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:
- Commencing with City fiscal year 2012-13 (October 1, 2012), the hourly living rate will be \$11.28/hr with health benefits, and \$12.92/hr without benefits.

The living wage rate and health care benefits rate may, by Resolution of the City Commission be indexed annually for inflation using the Consumer Price Index for all Urban Consumers (CPI-U) Miami/Ft. Lauderdale, issued by the U.S. Department of Labor's Bureau of Labor Statistics. Notwithstanding the preceding, no annual index shall exceed three percent (3%). The City may also, by resolution, elect not to index the living wage rate in any particular year, if it determines it would not be fiscally sound to implement same (in a particular year).

Proposers' failure to comply with this provision shall be deemed a material breach under this proposal, under which the City may, at its sole option, immediately deem said Proposer as non-responsive, and may further subject Proposer to additional penalties and fines, as provided in the City's Living Wage Ordinance, as amended. Further information on the Living Wage requirement is available at www.miamibeachfl.gov/procurement/.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees to the living wage requirement.

8. **Equal Benefits for Employees with Spouses and Employees with Domestic Partners.** When awarding competitively solicited contracts valued at over \$100,000 whose contractors maintain 51 or more full time employees on their payrolls during 20 or more calendar work weeks, the Equal Benefits for Domestic Partners Ordinance 2005-3494 requires certain contractors doing business with the City of Miami Beach, who are awarded a contract pursuant to competitive proposals, to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a Contractor who work within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

- A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?
☐ YES ☐ NO
- B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?
☐ YES ☐ NO
- C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Firm Provides for Employees with Spouses	Firm Provides for Employees with Domestic Partners	Firm does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

If Proposer cannot offer a benefit to domestic partners because of reasons outside your control, (e.g., there are no insurance providers in your area willing to offer domestic partner coverage) you may be eligible for Reasonable Measures compliance. To comply on this basis, you must agree to pay a cash equivalent and submit a completed Reasonable Measures Application (attached) with all necessary documentation. Your Reasonable Measures Application will be reviewed for consideration by the City Manager, or his designee. Approval is not guaranteed and the City Manager's decision is final. Further information on the Equal Benefits requirement is available at www.miamibeachfl.gov/procurement/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addenda may result in proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Statement of Qualifications made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Statement of Qualifications, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving Statement of Qualifications, may accept or reject Statement of Qualifications, and may accept Statement of Qualifications which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Statement of Qualifications in response to this solicitation.

Following submission of Statement of Qualifications, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Statement of Qualifications and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposals. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposals should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Statement of Qualifications conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Statement of Qualifications submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Statement of Qualifications.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposals will be bound only as, if and when a Statement of Qualifications, as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Statement of Qualifications and supporting documents shall be subject to disclosure as required by such law. All Statement of Qualifications shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposals are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Statement of Qualifications, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Statement of Qualifications, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Statement of Qualifications is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposals agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of proposal submitted; Proposer has not divulged, discussed, or compared the proposal with other Proposals and has not colluded with any other proposer or party to any other proposal; proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this proposal, inclusive of the Statement of Qualifications Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA)
)

County of _____)

of _____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

On this ____ day of _____, 20____, personally
appeared before me _____ who
stated that (s)he is the _____

Notary Public for the State of Florida
My Commission Expires: _____.

APPENDIX B



MIAMI BEACH

“No Bid” Form

2016-073-KB CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD IMPROVEMENTS

PROCUREMENT DEPARTMENT
1755 MERIDIAN AVENUE, 3RD FLOOR
Miami Beach, Florida 33139

Note: It is important for those vendors who have received notification of this solicitation but have decided not to respond, to complete and submit the attached “Statement of No Bid.” The “Statement of No Bid” provides the City with information on how to improve the solicitation process. Failure to submit a “Statement of No Bid” may result in not being notified of future solicitations by the City.

Statement of No Bid

WE HAVE ELECTED NOT TO SUBMIT A STATEMENT OF QUALIFICATIONS AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

☐ Workload does not allow us to proposal

☐ Insufficient time to respond

☐ Specifications unclear or too restrictive

☐ Unable to meet specifications

☐ Unable to meet service requirements

☐ Unable to meet insurance requirements

☐ Do not offer this product/service

☐ OTHER. (Please specify)

We do ☐ do not ☐ want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
PROCUREMENT DEPARTMENT
ATTN: KRISTY BADA
STATEMENTS OF QUALIFICATIONS #2016-073-KB
1755 MERIDIAN AVENUE, 3RD FLOOR
MIAMI BEACH, FL 33139

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

2016-073-KB CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD IMPROVEMENTS

PROCUREMENT DEPARTMENT
1755 MERIDIAN AVENUE, 3RD FLOOR
Miami Beach, Florida 33139

C1. Minimum Eligibility Requirements. The Minimum Eligibility Requirements for this solicitation are listed below. Proposer shall submit, with its proposal, the required submittal(s) documenting compliance with each minimum requirement. Proposers that fail to include the required submittals with its proposal or fail to comply with minimum requirements shall be deemed non-responsive and shall not have its proposal considered.

1. Prime proposer (Construction Management, Construction Management at Risk, Design Build, or General Contractor Firms) must be licensed as a Certified General Contractor in the State of Florida, Division of Business and Professional Regulations.
2. Prime Proposer must have completed construction for no less than three (3) similar projects within the past ten (10) years. Similar projects shall be interpreted to mean open air pedestrian district projects and pertaining infrastructure that include a combination of retail, restaurant, and entertainment and are not less than 100,000 square feet in size.

Submittal Requirement: For each qualifying project, submit project name, project contact information (phone and email) and prime proposer's role in project.

3. Lead Project Manager must have a minimum of ten (10) years' experience in the management of construction projects and served as Project Manager on similar projects.

Submittal Requirement: For each qualifying project, submit project name, project contact information (phone and email) and prime proposer's role in project.

C2. Statement of Work Required.

The City of Miami Beach Capital Improvements Project (CIP) staff has elected to use the Construction Management at Risk (CMR) project delivery method for this project in lieu of a standard Design-Bid-Build process, since this delivery method will result in the best value and completion timeframe.

Under the CMR approach, the Owner enters into an agreement with a Contractor early in the design process, which allows the improvements to be designed and built in partnership with the Design Professional, the Contractor, the Building Commissioning Agent, and the City in an environment that fosters creativity, sustainability, innovation, constructability, frugality, quality, for the best price possible in today's market, all working together as a team to deliver a quality product that responds to the needs of the Client.

One of the most important distinctions between the CMR project approach and the Design-Bid-Build is that the CMR is selected based on the CMR firms qualifications which is a critical component when deciding what Contractor will build the Lincoln Road District Improvements. The CMR approach will give the City the added value of having a qualified contractor evaluate the project documents for constructability, cost efficiency, means and methods, material selection, logistics, safety and value engineering. This evaluation, along with current market conditions, can then be incorporated into the project documents, ensuring Best Value for the City.

The Project Team, consisting of the Owner (City), Design Professional, and CMR work together to

produce a quality project with a design that is also buildable in an environment based on a collaborative effort between the three parties in order to work out all the potential conflicts in the project prior to construction.

By contracting with the CMR early in the process the City will save the time it normally takes to bid out via the Conventional Design-Bid-Build, which is approximately three (3) to four (4) months in advertising, bidding, and awarding the project.

To this end, the CMR firm is contracted to perform pre-construction services and provide at the City's request or option, a Guarantee Maximum Price (GMP) and certifies by signing the GMP contract with the City that the CMR firm can build the project for the GMP.

The City will request Pre-Construction Services to be prepared at the 50%, 90%, and 100% completion stages of the construction documents as follows:

- Design Review, Constructability, and Value Engineering
- Risk Assessment Plan
- Phasing Plan
- Implementation Plan indicating phase of project to be constructed with available funding
- Review of Onsite and Offsite Conditions
- Cost Estimating and Cost Controls
- Scheduling
- Bidding (GMP submittal & Negotiations)

The CMR is tasked to work with the Design Professional during the course of design and advise the City of the constructability of the design and provide value engineering of the Design Professional documents, to check the quality of the documents and advise the Owner of the most efficient and economical ways to build the project pursuant to the Owners goals and objectives for the project. The work required under this RFQ will include, at a minimum, the following amenities:

- Enhancement of pedestrian walkways and café zones.
- Modifications to the existing planters and water features.
- Landscape and irrigation.
- Storm and sewer drainage.
- Lighting and signalization.
- Multipurpose areas at specified selected locations.
- Outdoor furniture and outdoor seating areas.
- Milling and resurfacing of pavement surface, including striping and pavement markings as needed.
- Crosswalk enhancements.
- Artistic gateway folly at Lincoln Road and Washington Avenue.
- Visitor's guide and wayfinding.
- Utility coordination, adjustments, and modifications.
- Maintenance of Traffic for pedestrian and vehicular traffic.

The end result shall be a GMP from the Contractor, which is subject to restrictions in change order requests and minimizes or eliminates additional costs to the City. In order to ensure that the City is successful in negotiating the best value for this project, the City will hire an independent Construction Estimator to provide assistance in validating the CMR's construction costs according to the current market.

The "Best Value" Procurement process will be used to select a firm with the necessary experience and qualifications, the ability, capacity and proven past successful performance in providing Construction Management at Risk services.

Further, the City requires the Construction Management at Risk contractor to phase this project on a block by block basis.

The CMR Scope of Services shall include, without limitation, all of the Preconstruction Services set forth below and, upon approval by the City of the GMP, and as contemplated in any GMP Amendment or Amendments, and such other amendment(s) as necessary to fix and describe the parties' respective rights and responsibilities with respect to the Work and the Project, all of the Construction Services required to complete the Work in strict accordance with the Contract Documents, and to deliver the Project to the City at or below the GMP, when established, and within the Contract time.

The CMR shall review Project requirements, existing on-site and off-site development, surveys and preliminary budget, and make recommendations to the City for revisions. The CMR shall prepare a preliminary Project Schedule in accordance with the Contract Documents and in coordination with the City and the Landscape Architect/Architect/Engineer, identifying all phases, critical path activities, and critical duties of each of the project team members. It is the intention of the City to enter into a contract with a CMR for pre-construction services prior to the 50% design submittal. The CMR shall, at each design phase (i.e. 50% and 90% design development and 100% construction document), review the plans and advise the City and the Landscape Architect/Architect/Engineer regarding the constructability of the design and of any errors, omissions, or conflicts it discovers. The CMR shall prepare an outline of proposed bid packages and detailed cost estimates, and advise the City regarding trends in the construction and labor markets that may affect the price or schedule of the Project. The CMR shall attend all Project related meetings. The CMR's Preconstruction Services shall be provided, and the City shall compensate the CMR for such services, based upon a fixed fee. At the conclusion of the Preconstruction Services, the CMR shall provide the City a proposal for a GMP Amendment for construction phase services and without assuming the duties of the Landscape Architect/Architect/Engineer, warrant to the City, that the plans, specifications, and other Contract Documents are consistent, practical, feasible and constructible, and that the Project is constructible within the contract time.

The selected firm shall be tasked with, but not limited to, the following duties and responsibilities:

PRECONSTRUCTION SERVICES

- 1) **Coordination with Design Professional:** In providing the CMR's services described in this Agreement, the CMR shall maintain a working relationship with the Landscape

Architect/Architect/Engineer (LA/A/E). However, nothing in this Agreement shall be construed to mean that the CMR assumes any of the responsibilities or duties of the LA/A/E. The CMR shall be solely responsible for construction means, methods, techniques, sequence, and procedures used in the construction of the Project and for the safety of its personnel, property, and its operations for performing in accordance with the CMR's Agreement with the City. The LA/A/E is responsible for the requirement of the Project as indicated in the Agreement with the City and the LA/A/E. The CMR's services shall be rendered compatibly and in cooperation with the LA/A/E's services under the City. It is not intended that the services of the LA/A/E and the CMR be competitive or duplicative, but rather be complementary.

- 2) **Meetings:** CMR shall schedule and conduct progress meetings to discuss such matters as procedures, progress, problems, and scheduling. CMR shall prepare and distribute minutes of each meeting promptly and no later than five (5) business days after the meeting.
- 3) **Review of Construction Documentation/Value Engineering:** CMR shall review the work of the Design Professional and make recommendations to suggest modifications to improve completeness or clarity of the Construction Documents, and to improve the constructability of the Project within budget while meeting the City's objectives within the schedule. CMR shall review with the City, Design Professional and Owner's Representative alternative approaches to the design, construction, and phasing for the Project, including but not limited to alternative materials and systems and value engineering to minimize total construction and operating costs. The CMR, as a result of the above-noted review of the design documents and recommendations provided to the City, shall be fully responsible for the coordination of the Construction Documents with the written specifications. This includes, but is not limited to, the CMR's review of the Construction Documents in coordination of the drawings and specifications themselves, as well as with the existing facilities to ensure proper coordination and constructability and lack of conflict, and to minimize unforeseen conditions. The CMR shall, during this phase, be responsible for the proper identification and location of all utilities, services, and other underground facilities which may impact the Project. The CMR agrees specifically that except as included in the GMP amendment, no Contract Amendments shall be requested by the CMR or considered by the City for reasons involving conflicts in the Construction Documents; questions of clarity with regard to the documents; and incompatibility, or conflicts between the documents and the existing conditions, utilities, code issues and unforeseen underground conditions. At the conclusion of the Preconstruction Services, the CMR shall, without assuming the duties of the Design Professional as the LA/A/E, warrant to the City, that the plans, specifications and other Contract Documents are consistent, practical, feasible and constructible, and that the Project is constructible within the contract time.
- 4) **Phasing Plan:** CMR shall address implementation/phasing methodologies employed in similar projects to mitigate impacts to local businesses.
- 5) **Schedule:** CMR shall create and update, no less often than once each month, the Master Project Schedule and cost and resource loaded Construction Schedule based on the critical path method (CPM), both of which must incorporate its activities and those of the Contractors, including processing of shop drawings and similar required submittals and delivery of products requiring long lead time procurement and showing current conditions and revisions required by actual experience. CMR shall include the Project occupancy requirements, showing portions of

the Project having occupancy priority.

- 6) **Direct Purchases:** CMR shall work with the City and Owner's Representative to agree upon a list of materials to be purchased directly by the City, in order to realize sales tax savings.
- 7) **Cost Estimating:** CMR shall provide a preliminary construction cost estimates based on 50%, 90%, and 100% design development drawings.
- 8) **Preconstruction Services Fees:** The CMR's Preconstruction Services shall be provided, and the City shall compensate the CMR for such services, based upon a fixed fee. CMR's Preconstruction Services fee must include all costs for permit expediting services for the Project.
- 9) **Guaranteed Maximum Price (GMP):** CMR shall submit for City's consideration a GMP amendment to its contract to guarantee the maximum price of the Project. The GMP shall include all trade costs, general conditions, bonds & insurance, profit, overhead, CMR fee, agreed upon Contingency amount, and all like amounts, and shall represent the full and complete amount for which the CMR agrees to proceed with all work on the Project from the receipt of sub-contract bids to the final completion and contract close-out of the Project. Subsequent to a bid opening to be attended by the City, LA/A/E and CMR, the CMR shall submit its Contractor recommendations, including a Best Value quality control plan that identifies risks and potential risks that the CMR does not control, or risk that is impacted by factors that the CMR does not control, and includes the CMR's plan to minimize that risk. A risk would be any existing or potential condition, situation or event that could negatively impact the project's cost, schedule, quality and the City's expectations. Upon acceptance and execution of the GMP proposal, by the City, the CMR shall enter into sub-contract agreements for the Project work, and shall function as a General Contractor and comply with the Contract Documents accordingly with regard to the Project as well as a CMR with regard to other services required by the Contract Documents.

COMPETITIVE BIDDING PHASE

- 1) **Competitive Bidding:** Unless otherwise provided for in the CMR contract or approved by the City, the trade and other subcontracted work on the Project will be competitively bid. Instructions to bidders must require each bid to be accompanied by the appropriate bid security.
- 2) **Bid Packages:** The CMR shall assemble the Construction Documents and other contract documents specifying all terms and conditions applicable with respect to the work to be performed by each contractor ("Contract Documents") into appropriate bid packages and shall distribute the bid packages to prospective bidders, Owner's Representative, LA/A/E, and the City.
- 3) **Obtaining Bids:** CMR shall assist with the development of and make recommendations for bidding criteria, bidding schedules and bidding information and shall develop bidders' interest in the Project. The CMR shall prepare a Subcontractor's Prequalification Plan in compliance with the requirements currently determined by the City. The CMR shall submit to the City the

CMR's list of pre-approved sub-contractors for each element of the Work to be sub-contracted by the CMR. This list shall be developed through the execution, by the CMR, of the Sub-contractor Pre-qualification Plan noted above. The City reserves the right to reject any sub-contractor proposed for any bid to be considered by the CMR. Any claims, objections or disputes arising out of the Pre-qualification Plan or list, are the responsibility of the CMR. The CMR shall hold harmless, indemnify, and defend the City, its employees, agents, and representatives in any matter arising out of the pre-qualification plan and/or the sub-contractor's list, except where the sole cause of the matter is a City directed decision.

- 4) **Pre-bid Conferences:** CMR, with the assistance of LA/A/E and the Owner's Representative, shall conduct pre-bid conferences with prospective bidders to familiarize bidders with the Contract Documents, any special requirements of the Contract Documents and equal employment opportunity and prevailing wage requirements. The Owner's Representative shall transmit to CMR all of LA/A/E responses to questions at pre-bid conferences, and CMR shall review addenda prepared by LA/A/E to incorporate those responses. CMR shall prepare a record of the questions and answers discussed at the pre-bid conferences that shall be transmitted to the Owner's Representative for use by LA/A/E to prepare addenda.
- 5) **Bid Review/Bid Comparison:** CMR, with the assistance of Owner's Representative and LA/A/E, shall review all bids received for responsiveness, participate in investigating the responsibility of bidders and deliver a written recommendation to the City and Owner's Representative about the award of, or rejection of, any bid or bids for each subcontract for the Project. In making the recommendation, CMR shall evaluate all applicable alternates referenced in the Contract Documents and shall evaluate each bidder in accordance with the bid criteria contained in the bid package, identifying potential additional costs of risks. In recommending the award of any subcontract, the CMR shall not consider any unauthorized substitutions contained in the bid.
- 6) **Pre award Conferences:** CMR, with the assistance of the Owner's Representative and LA/A/E, shall conduct pre-award conferences with the recommended bidders and shall gather documentation for contract execution from such bidders. If a bidder fails to provide the required documentation in a timely manner, CMR shall assist the Owner in considering whether to grant an extension of time for submitting the documentation or terminate negotiations with the recommended bidder.
- 7) **Subcontractor and Material Supplier Review:** CMR shall participate in investigating any subcontractor or material supplier at any tier and recommend approval or disapproval thereof.
- 8) **Subcontracts:** Those portions of the Work that the CMR does not customarily perform with its own personnel shall be performed under subcontracts with the approved bidders (Subcontractors) or by other appropriate agreements with the CMR. The CMR shall prepare all subcontracts on a form developed by the CMR and acceptable to the City, and shall cause the subcontracts to, among other terms, (a) incorporate the provisions of the City's contract with the CMR, to the extent applicable to the work to be performed by each Subcontractor; (b) require the Subcontractor to maintain 100% performance and payment bonds naming the City and CMR as dual obligee beneficiaries in accordance with all applicable laws, and (c) grant the City the right to succeed to the interest of the CMR, or otherwise direct an assignment of, such

subcontract or other agreement, at the City's sole option.

- 9) **Notice to Proceed:** CMR shall obtain from the City a Notice to Proceed for the construction phase of the Project, upon obtaining all appropriate permits and satisfying all conditions as may be set forth in the CMR contract.

CONSTRUCTION PHASE: Once the City has accepted the GMP, the City will issue a GMP Amendment which will include the Contract for Construction. CMR activities shall include, but are not limited to:

- 1) **Staffing:** As a minimum, the CMR site personnel during the construction phase will include a project manager, a full-time project superintendent, and a project administrative personnel. The CMR shall provide site personnel that are competent, English-speaking, and able to communicate effectively. CMR shall also provide off-site parking for all labor performing work on the Project, and arrange shuttle transportation services from the off-site parking areas to the Lincoln Road District, as no labor parking will be available on-site.
- 2) **Local Employment:** It is the City's goal to maximize the employment of City of Miami Beach and Miami-Dade County residents in the construction of the Project. The CMR shall work with each Subcontractor to create a plan for maximizing local employment, as well as providing periodic reporting to monitor success. At a minimum, the City shall require monthly progress reports to be submitted to the City Commission documenting success throughout the Project duration.
- 3) **Access:** Subject only to safety requirements, the CMR shall grant, and shall cause all Subcontractors and others performing work on the Project to grant, the City, Owner's Representative, LA/A/E and its consultants, unimpeded access to the work at all times.
- 4) **Project Administration:** CMR shall manage the Project and shall be fully responsible for coordinating all work of each Subcontractor to ensure all work is performed in a timely, efficient and economical manner and in accordance with the Contract Documents. CMR shall provide administrative, management and related services as required to coordinate, supervise and direct the performance of the work by all Subcontractors with each other and with the activities and responsibilities of the City and LA/A/E, to complete the Project in accordance with the Contract Documents. CMR shall maintain a competent, full time staff at the Project at all times that work is in preparation or progress on the Project and shall establish and implement on site organization and authority so that the work on the Project may be accomplished timely and efficiently. CMR shall cause all Subcontractors to perform the work in accordance with the Contract Documents. CMR shall coordinate the work with all authorities having jurisdiction, government entities and utility companies that may be involved in the Project. CMR shall arrange for delivery, storage, protection and security for all materials and equipment until the materials are incorporated as part of the work and final acceptance is received from Fentress. CMR shall take all steps necessary and appropriate to enforce its agreements with Subcontractors for the benefit of the City. CMR shall provide claims administration services, provided CMR shall have no authority to authorize changes of any kind to the Contract Documents or to modify any deadlines for completion of work specified in the Contract

Documents.

- 5) **Contractor Performance:** CMR shall cause each Subcontractor to perform its Work in accordance with the requirements of the Contract Documents, and shall make all necessary efforts to protect the Owner against defects and deficiencies in the Work. CMR shall promptly report to the Owner's Representative and LA/A/E all work that does not conform to the requirements of the Contract Documents, make recommendations regarding the acceptance or rejection of that work and advise the City and LA/A/E of CMR's actions or proposed actions with respect thereto.
- 6) **Means and Methods:** The CMR shall be solely responsible for construction means, methods, techniques, sequence and procedures used in the construction of the Project and for the safety of its personnel, property, and its operations for performing in accordance with the CMR's Agreement with the City.
- 7) **Meetings:** CMR shall schedule and conduct a weekly progress meeting to include representatives of the City, LA/A/E, and Owner's Representative to discuss such matters as procedures, progress, problems and scheduling. CMR shall prepare and distribute for discussion at each meeting a Two (2) Week look-ahead schedule. CMR shall prepare and distribute minutes of each meeting promptly and no later than five (5) business days after the meeting.
- 8) **Schedules:** No less often than once each month, CMR shall update and distribute the CPM Master Project Schedule and cost and resource loaded Construction Schedule, both of which must incorporate its activities and those of all Subcontractors, including processing of shop drawings and similar required submittals and delivery of products requiring long lead time procurement and showing current conditions and revisions required by actual experience. CMR shall include in the Construction Schedule the submission of the GMP proposal; components of the work; times of commencement and completion required of each Subcontractor; ordering and delivery of products, including those that must be ordered well in advance of construction; and Project occupancy requirements, showing portions of the Project having occupancy priority. CMR shall use reasonable care and all necessary efforts to cause the progress of all Work to be maintained in accordance with the Construction Schedule.
- 9) **e-Builder:** CMR shall use the City's e-Builder™ system for data warehousing and processing of forms.
- 10) **Direct Purchases:** CMR shall coordinate with the City and Owner's Representative to direct purchase agreed upon materials to realize sales tax savings.
- 11) **Construction Plan:** CMR shall develop and submit to the City, Owner's Representative and LA/A/E the Construction Plan which will include a work breakdown structure based upon the approved Construction Schedule and phasing plan.
- 12) **Presentations:** Participate and assist in the preparation of materials for meetings of the City Commission, relevant sub-committees, and any other groups required.
- 13) **Lincoln Road District Event Coordination:** CMR shall meet with the Lincoln Road District

Manager not less than once a month to discuss construction activities and event activity occurring along the Lincoln Road District.

- 14) **Progress Reports:** No less often than once each month, CMR shall submit to the City, the Owner's Representative and LA/A/E a detailed Progress Report for the City's, Owner's Representative's and LA/A/E review and comment. The format for the Progress Report must be approved and accepted by the City, the Owner's Representative and LA/A/E, and will establish the format to be used for each subsequent monthly Progress Report. The CMR shall index, bind and tabulate the Progress Report in a manner acceptable to the City. The Progress Reports shall include photos documenting the progress of the work. The photos will be 8" x 10" in size, with the date and location noted on the back of each photo. A back-up flash drive or CD of the photos is to accompany the photographs. The Progress Reports and Project Photos are to be made an attachment to the Monthly Application for Payment.
- 15) **Daily Log:** CMR shall keep a daily log containing a record of weather, all Subcontractor work on the site, number of workers delineated by Subcontractor and trade, work accomplished, problems encountered, material and equipment deliveries made to and received at the Project site and other similar relevant data as the City may require, and shall submit a copy of the log to the Owner's Representative and LA/A/E once each week. The CMR shall also require all Subcontractors to provide independent daily logs of activity.
- 16) **Accounting:** CMR shall maintain cost accounting records on work performed by Subcontractors under unit costs or actual costs for labor and materials, or other appropriate basis, and afford the City unrestricted access thereto.
- 17) **Applications for Payment:** CMR shall develop and implement procedures acceptable to, and as directed by, the Owner and/or Owner's Representative and consistent with the procedures set forth in the CMR Contract, for reviewing and processing Subcontractors' Applications for Payment, which shall protect the Owner against payment ahead of progress and shall require LA/A/E and City's advance written approval as a condition to each payment to a Subcontractor. CMR shall prepare a schedule of values associated with the bid packages and all work on the Project and shall submit the schedule of values for approval by LA/A/E and the Owner's Representative. All payment requests must be in accordance with the schedule of values approved.
- 18) **Prevailing Wage:** CMR shall monitor and report on prevailing wage requirements for the Project.
- 19) **Notices:** CMR shall file all notices of commencement and all other filings required to be made for the Project.
- 20) **Permits:** CMR shall obtain building permits and special permits for permanent improvements, except for permits required to be obtained directly by Subcontractors or the City. CMR shall coordinate the permitting process and verify that the general building permit and all trade permits have been obtained. In conjunction with the City, Owner's Representative and LA/A/E, CMR shall develop a matrix showing required permits, the party responsible to obtain each permit and the status of each such permit. CMR shall assist the City and LA/A/E in connection

with the City's responsibility for filing documents required for the approvals of government entities having jurisdiction over the Project.

- 21) Quality Assurance/ Quality Control:** CMR shall develop and establish, for the City's benefit, review and approval, a Quality Assurance/Quality Control Plan (QA/QC Plan) in order that the standards of construction called for are met. The QA/QC Plan shall address the processes, procedures and responsibilities for the identification, tracking and resolution of all non-conforming work. CMR shall develop a checking and testing procedure that will ensure that all systems are adequately tested and balanced before their acceptance. CMR shall coordinate and monitor all testing provided by others as required by all Contract Documents. CMR shall keep an accurate record of all tests, inspections conducted, findings and test reports.
- 22) Field Questions:** CMR shall develop, in conjunction with the City and LA/A/E, procedures acceptable to the City, the Owner's Representative and LA/A/E for implementing, documenting, reviewing and processing field questions and responses, field variance authorizations and directives, minor changes and change orders due to scope and modifications. CMR shall cooperate with the City, Owner's Representative and LA/A/E to develop systems and procedures to be used by LA/A/E, CMR, the City, the Owner's Representative and the Subcontractors to facilitate quick and accurate communications and to provide for an up to date submittal log accessible to the Project participants. CMR shall recommend necessary or desirable changes to LA/A/E, Owner's Representative and the City, review requests for changes submitted by Subcontractors, negotiate Subcontractor's proposals, submit recommendations to LA/A/E, the City and the Owner's Representative, and if they are accepted by the City, then prepare Change Orders for execution by the appropriate parties.
- 23) Submittals:** CMR shall prepare for review and approval a comprehensive Submittal Schedule indicating all anticipated submittals and anticipated timing of submission. The CMR shall receive from each Subcontractor such shop drawings, product data, samples, as-built drawings and other submittals as set forth in a submittal schedule agreed to by the parties, and shall thoroughly review and approve same for conformance with the Contract Documents, and/or take other appropriate action and then submit to LA/A/E. CMR shall stamp or take such other appropriate action with respect to all shop drawings, product data, samples and other submittals to verify the review, approval for conformance with the Contract Documents or other action thereon, and in the case of shop drawings, shall also review and coordinate the shop drawing to indicate field conditions, proposed Subcontractor deviations from the Contract Documents, and other requirements that affect design intent. CMR shall transmit to LA/A/E all submittals recommended for approval in accordance with the Contract Documents. CMR's stamp shall constitute its verification that, to the best of the CMR's knowledge and belief based on its review, the submitted item conforms to the Contract Documents and is coordinated with other related work. In collaboration with LA/A/E and the Owner's Representative, CMR shall establish and implement procedures for expediting the processing and approval of shop drawings, product data, samples and other submittals.
- 24) Record Documents:** CMR shall maintain at the Project site (or such other place as approved by the Owner), on a current basis: A record copy of all contracts (including this agreement and all Subcontracts), Construction Documents, addenda, change orders and other modifications,

in good order and marked to record all changes made during construction; shop drawings; product data; samples; as-built drawings; the most recent Master Project Schedule and Construction Schedule; applicable handbooks; maintenance and operating manuals and instructions; and other related documents that arise out of the contracts or the work. CMR shall maintain records, in duplicate, of principal building layout lines, elevations of the bottom of footings, floor levels and key site elevations. CMR shall make all records available to the City, Owner's Representative and LA/A/E. Upon final completion (or earlier if practical), CMR shall deliver to the City two reproducible sets of record drawings showing the "as built" condition of the Project. All Project records, including payment and accounting records, shall be made available for inspection or audit by City and/or its representatives, and by Miami-Dade County, including but not limited to the Miami-Dade County Inspector General's Office.

- 25) Safety:** CMR shall recommend the content of, implement and continually monitor a safety program for the Project. CMR shall review the safety programs developed by each of the Subcontractors as required by their Contract Documents to promote compliance and coordination with the overall safety program for the Project. CMR shall conduct regular safety meetings pursuant to a schedule approved by the Owner. CMR shall cooperate on tours of the Project site to enhance public relations and shall do so in a safe fashion and in compliance with all applicable laws.
- 26) Survey:** The CMR shall notify the City immediately upon becoming aware of any inaccuracies in any surveys describing the physical characteristics, legal limitations and utility locations for the Project site.
- 27) Interpretations:** CMR shall consult with the Owner's Representative and LA/A/E if any Subcontractor requests interpretations of the meaning and intent of the Construction Documents and shall assist in the resolution of questions that may arise. LA/A/E decisions as to the design effect intended by the Contract Documents will be final and not subject to any further proceedings, if made in good faith. The Contract Documents shall be interpreted so as to eliminate inconsistencies or conflicts, provided that in the event of a conflict, requirements for greater quantity and/or better quality shall govern.
- 28) Insurance:** CMR shall maintain a Contractor Controlled Insurance Program for the Project and, to the extent applicable, receive certificates of insurance for other required insurance coverage from Subcontractors, review such insurance certificates for conformance with Contract Documents, advise the City of expiration dates and forward them to the Owner with a copy to LA/A/E. CMR shall monitor compliance of each Subcontractor with the Owner's requirements for insurance and bonding as set forth in the Contracts.
- 29) Inspections:** CMR shall assist LA/A/E in conducting inspections and shall coordinate the correction and completion of all work, including non-conforming or defective work. CMR shall prepare for the Owner's Representative and LA/A/E a summary of the status of the work of each Subcontractor, listing changes in any previously issued certificates of substantial completion of the work and recommending the times within which Subcontractors shall complete uncompleted items on their certificates of substantial completion.
- 30) Substantial Completion:** CMR shall develop in conjunction with the City, Owner's

Representative and LA/A/E a schedule setting forth anticipated dates for inspections of the work or portions thereof (as the case may be) by the City, Owner's Representative and/or LA/A/E in order to determine substantial completion and final completion of the work or designated portions thereof. It is anticipated that LA/A/E shall make an initial visit and one re-inspection for each area of the Work designated on the schedule developed by LA/A/E, CMR and the City. CMR, LA/A/E and the Owner's Representative shall meet with local building inspectors to perform a walkthrough of the Project in an effort to familiarize the local building officials with the Project in general and areas of early completion and to anticipate any issues relating to obtaining occupancy permits.

- 31) **Public Information Officer:** The CMR shall employ or subcontract a professional Public Information Officer, approved by the City, to coordinate the public information component of the Project.

CLOSEOUT PHASE: The CMR will coordinate project closeout, start-up, and transition to operation, per the contract for Construction. Activities include, but are not limited to:

- 1) **Equipment Tests and Systems Start-up:** CMR shall be responsible for coordinating various tests for quality control on the Project; verifying that equipment tests and systems start-up are conducted in the presence of appropriate personnel; and maintain adequate records thereof.
- 2) **Punch List:** When CMR considers a Subcontractor's work or a designated portion thereof to be substantially complete, CMR shall assist LA/A/E in compiling a coordinated punch list of incomplete or unsatisfactory items and a schedule for their completion.
- 3) **Final Inspections.** Following LA/A/E issuance of a Certificate of Substantial Completion of the Project or designated portion thereof, CMR shall evaluate the completion of the work of the Subcontractors and make recommendations to the Owner's Representative and LA/A/E when work is ready for final inspection. CMR shall assist LA/A/E and the Owner's Representative in conducting final inspections. CMR shall supervise and coordinate the issuance of all required certificates of occupancy.
- 4) **Turn Over:** With LA/A/E, Owner's Representative and the City's building operator, CMR shall coordinate, schedule and observe the checkout of utilities, operational systems and equipment for readiness and shall assist in their initial start-up, personnel training and testing. CMR shall secure from the entities required to provide such documents and transmit to the Owner required warranties, guarantees, affidavits, releases, bonds, waivers and other documentation required by the Contracts, in duplicate, bound and indexed by CMR. CMR shall collect and deliver to the Owner all keys, manuals, record drawings and operating and maintenance books. CMR will coordinate with the LA/A/E to provide a complete project record including project manual and CADD drawings to show all construction changes, additions, and deletions compared to the Construction Document (CADD disks will be provided to the CMR by the LA/A/E).
- 5) **Warranty:** If any defect appears in the work of any Subcontractor within the applicable warranty period for that Subcontractor, the CMR shall inspect the affected portions of the Project to determine the scope of the defect and to identify the responsible Subcontractor or

Subcontractors. CMR shall take such action as may be required to enforce that Subcontractor's warranty obligations. CMR shall perform and/or coordinate all warranty work to ensure that all warranty obligations are fulfilled in a timely manner. CMR is responsible to the City for Warranties and Guaranties.

- 6) **10-Month Inspection:** CMR shall perform a Warranty Inspection ten (10) months following completion of the Project with the Owner's Representative, LA/A/E, and City. CMR will coordinate the Occupancy Evaluation and Warranty Inspection.
- 7) **Time is of the Essence:** Time is of the essence in the performance of the CMR's contract. CMR shall be responsible for delivering the Project within the Contract Time, and for ensuring its Subcontractors meet all milestone dates and the dates for substantial completion and final completion of the Project.

APPENDIX D



MIAMI BEACH

Special Conditions

2016-073-KB
CONSTRUCTION MANAGER AT RISK
(CMR) FOR CONSTRUCTION OF
LINCOLN ROAD IMPROVEMENTS

PROCUREMENT DEPARTMENT
1755 MERIDIAN AVENUE, 3RD FLOOR
Miami Beach, Florida 33139

1. TERM OF CONTRACT. Not Applicable.

2. OPTIONS TO RENEW. Not Applicable.

3. PRICES. Not Applicable.

4. EXAMINATION OF FACILITIES. Not Applicable.

5. INDEMNIFICATION. Provider shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Provider or its employees, agents, servants, partners principals or subcontractors. Provider shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provider expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Provider shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. PERFORMANCE BOND. Not Applicable.

7. REQUIRED CERTIFICATIONS. Not Applicable.

8. SHIPPING TERMS. Not Applicable.

9. DELIVERY REQUIREMENTS. Not Applicable.

10. WARRANTY REQUIREMENTS. Not Applicable.

11. BACKGROUND CHECKS. Not Applicable.

12. COMPETITIVE SPECIFICATIONS. It is the goal of the City to maximize competition for the project among suppliers & contractors. Consultant shall endeavor to prepare all documents, plans & specifications that are in accordance with this goal. Under no condition shall Consultant include means & methods or product specifications that are considered "sole source" or restricted without prior written approval of the City.

13. ADDITIONAL TERMS OR CONDITIONS. This RFQ, including the attached Sample Contract, contains all the terms and conditions applicable to any service being provided to the City resulting from award of contract. By virtue of submitting a proposal, consultant agrees not to require additional terms and conditions at the time services are requested, either through a separate agreement, work order, letter of engagement or purchase order.

14. CHANGE OF PROJECT MANAGER. A change in the Consultant's project manager (as well as any replacement) shall be subject to the prior written approval of the City Manager or his designee (who in this case shall be an Assistant City Manager). Replacement (including reassignment) of an approved project manager or public information officer shall not be made without submitting a resume for the

replacement staff person and receiving prior written approval of the City Manager or his designee (i.e. the City project manager).

15. SUB-CONSULTANTS. The Consultant shall not retain, add, or replace any sub-consultant without the prior written approval of the City Manager, in response to a written request from the Consultant stating the reasons for any proposed substitution. Any approval of a sub-consultant by the City Manager shall not in any way shift the responsibility for the quality and acceptability by the City of the services performed by the sub-consultant from the Consultant to the City. The quality of services and acceptability to the City of the services performed by sub-consultants shall be the sole responsibility of Consultant.

16. NEGOTIATIONS. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer (s) will take place to arrive at a mutually acceptable Agreement, including final scope of services, deliverables and cost of services.

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APPENDIX E



MIAMI BEACH

Insurance Requirements

2016-073-KB CONSTRUCTION MANAGER AT RISK (CMR) FOR CONSTRUCTION OF LINCOLN ROAD IMPROVEMENTS

PROCUREMENT DEPARTMENT
1755 MERIDIAN AVENUE, 3RD FLOOR
Miami Beach, Florida 33139



MIAMI BEACH

INSURANCE REQUIREMENTS

This document sets forth the minimum levels of insurance that the contractor is required to maintain throughout the term of the contract and any renewal periods.

- XXX 1. Workers' Compensation and Employer's Liability per the Statutory limits of the state of Florida.
- XXX 2. Comprehensive General Liability (occurrence form), limits of liability \$ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).
- XXX 3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
- 4. Excess Liability - \$.00 per occurrence to follow the primary coverages.
- XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.
- 6. Other Insurance as indicated:
 - Builders Risk completed value \$.00
 - Liquor Liability \$.00
 - Fire Legal Liability \$.00
 - Protection and Indemnity \$.00
 - Employee Dishonesty Bond \$.00
 - Other \$.00
- XXX 7. Thirty (30) days written cancellation notice required.
- XXX 8. Best's guide rating B+:VI or better, latest edition.
- XXX 9. The certificate must state the proposal number and title

The City of Miami Beach is self-insured. Any and all claim payments made from self-insurance are subject to the limits and provisions of Florida Statute 768.28, the Florida Constitution, and any other applicable Statutes.

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Condensed Title:

REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) NO. 2016-046-KB FOR RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

Key Intended Outcome Supported:

Increase Resident Ratings of Public Safety Services

Supporting Data (Surveys, Environmental Scan, etc.):

N/A

Item Summary/Recommendation:

On December 10, 2008, the Mayor and City Commission enacted Ordinance No. 2008 3621, creating Article XI entitled "Dangerous Intersection Safety" of Chapter 106 of the Miami Beach Code, entitled "Traffic and Vehicles". This provision authorizes the enforcement of red light infractions through the utilization of an automated image capture technology in an effort to reduce traffic crashes and resulting injuries. In the interest of public safety, the City's Administration has monitored the use of this technology for several years before pursuing this type of enforcement program. Installation of this system consists of a camera, strobe and two lasers mounted on a metal pole near an intersection with a traffic light. This equipment is designed to monitor the traffic light signal phases and upon the light turning red any vehicle proceeding into the intersection without stopping will be photographed and captured on video. The images are then electronically forwarded to the vendor reviewed for quality and then sent to a Miami Beach Police Department (MBPD) employee for review to ensure an infraction has taken place. After these reviews have taken place an infraction notice is then sent to the violator via United States Mail.

The City of Miami Beach is seeking proposals from qualified vendors to enter into a contract for the delivery and maintenance of unmanned cameras/monitoring devices also known as traffic control signal monitoring system for red traffic light violations with a vendor capable of a turnkey solution for design, implementation and maintenance. The successful vendor will provide for the appropriate hardware and administrative support to ensure a credible and reliable electronic camera recording system. The traffic control signal monitoring system will have the capability when utilizing one or more sensors to work in conjunction with a traffic control signal, still camera and video recording device, to capture and produce recorded images of motor vehicles entering into an intersection against a steady red light signal. The cameras will be installed by the vendor at no cost to the City of Miami Beach at traffic intersections at the direction of representatives of the Miami Beach Police Department.

RECOMMENDATION

To seek proposals from interested parties, the Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida authorize the issuance of RFP No. 2016-046-KB for Red Light Violation Camera Enforcement System and Related Support Services.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	N/A	N/A	N/A
2			
Total			

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Alex Denis, Daniel J. Oates

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD <i>[Signature]</i> DJO <i>[Signature]</i>	MT <i>[Signature]</i> EC <i>[Signature]</i>	JLM <i>[Signature]</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) NO. 2016-046-KB FOR RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFQ.

BACKGROUND

On December 10, 2008, the Mayor and City Commission enacted Ordinance No. 2008 3621, creating Article XI entitled "Dangerous Intersection Safety" of Chapter 106 of the Miami Beach Code, entitled "Traffic and Vehicles". This provision authorizes the enforcement of red light infractions through the utilization of an automated image capture technology in an effort to reduce traffic crashes and resulting injuries. In the interest of public safety, the City's Administration has monitored the use of this technology for several years before pursuing this type of enforcement program. Installation of this system consists of a camera, strobe and two lasers mounted on a metal pole near an intersection with a traffic light. This equipment is designed to monitor the traffic light signal phases and upon the light turning red any vehicle proceeding into the intersection without stopping will be photographed and captured on video. The images are then electronically forwarded to the vendor reviewed for quality and then sent to a Miami Beach Police Department (MBPD) employee for review to ensure an infraction has taken place. After these reviews have taken place an infraction notice is then sent to the violator via United States Mail.

The City of Miami Beach is seeking proposals from qualified vendors to enter into a contract for the delivery and maintenance of unmanned cameras/monitoring devices also known as traffic control signal monitoring system for red traffic light violations with a vendor capable of a turnkey solution for design, implementation and maintenance. The successful vendor will provide for the appropriate hardware and administrative support to ensure a credible and reliable electronic camera recording system. The traffic control signal monitoring system will have the capability when utilizing one or more sensors to work in conjunction with a traffic control signal, still camera and video recording device, to capture and produce recorded images of motor vehicles entering into an intersection against a steady red light signal. The cameras will be installed by the vendor at no cost to the City of Miami Beach at traffic intersections at the direction of representatives of the Miami Beach Police Department.

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, RFP 2016-046-KB for Red Light Violation Camera Enforcement System and Related Support Services (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, RFP 2016-046-KB for Red Light Violation Camera Enforcement System and Related Support Services (attached).

- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, RFP 2016-046-KB for Red Light Violation Camera Enforcement System and Related Support Services (attached).

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFP No. 2016-046-KB for Red Light Violation Camera Enforcement System and Related Support Services is subject to funds availability approved through the City's budgeting process

ATTACHMENTS

Attachment A: RFP 2016-046-KB for Red Light Violation Camera Enforcement System and Related Support Services.

JLM / MT / DJO / AD

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REQUEST FOR PROPOSALS (RFP)

RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

2016-046-KB

RFP ISSUANCE DATE: FEBRUARY 12, 2016

PROPOSALS DUE: APRIL 1, 2016 @ 3:00 PM

ISSUED BY: KRISTY BADA



MIAMIBEACH

KRISTY BADA, CONTRACTING OFFICER II

PROCUREMENT DEPARTMENT

1755 Meridian Avenue, Third Floor, Miami Beach, FL 33139

305.673.7000 x**6218** | www.miamibeachfl.gov

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SECTION 0200**INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS**

1. GENERAL. This Request for Proposals (RFP) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposers to submit their qualifications, proposed scopes of work and cost proposals (the "proposal") to the City for the City's consideration as an option in achieving the required scope of services and requirements as noted herein. All documents released in connection with this solicitation, including all appendixes and addenda, whether included herein or released under separate cover, comprise the solicitation, and are complementary to one another and together establish the complete terms, conditions and obligations of the Proposers and, subsequently, the successful Proposer(s) (the "contractor[s]") if this RFP results in an award.

The City utilizes **PublicPurchase** (www.publicpurchase.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFP. Any prospective Proposer who has received this RFP by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFP. **Failure to receive an addendum may result in disqualification of proposal submitted.**

2. PURPOSE.

The purpose of this RFP is to enter into a contract for the delivery and maintenance of unmanned cameras/monitoring devices also known as traffic control signal monitoring system for red traffic light violations with a vendor capable of a turnkey solution for design, implementation and maintenance. The successful vendor will provide for the appropriate hardware and administrative support to ensure a credible and reliable electronic camera recording system. The traffic control signal monitoring system will have the capability when utilizing one or more sensors to work in conjunction with a traffic control signal, still camera and video recording device, to capture and produce recorded images of motor vehicles entering into an intersection against a steady red light signal. The cameras will be installed by the vendor at no cost to the City of Miami Beach at traffic intersections at the direction of representatives of the Miami Beach Police Department.

3. ANTICIPATED RFP TIMETABLE. The tentative schedule for this solicitation is as follows:

RFP Issued	February 12, 2016
Pre-Proposal Meeting	February 26, 2016 at 10:00AM
Deadline for Receipt of Questions	March 22, 2016
Responses Due	April 1, 2016 at 3:00PM
Evaluation Committee Review	TBD
Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	TBD
Contract Negotiations	Following Commission Approval

4. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact:
KRISTY BADA

Telephone:
305-673-7490

Email:
KRISTYBADA@MIAMIBEACHFL.GOV

Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov.

or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

5. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled.

A Pre-PROPOSAL conference will be held as scheduled in Anticipated RFQ Timetable section above at the following address:

**City of Miami Beach
Procurement Department Conference Room
1755 Meridian Avenue, 3RD Floor
Miami Beach, Florida 33139**

Attendance (in person or via telephone) is encouraged and recommended as a source of information, but is not mandatory. Proposers interested in participating in the Pre-Proposal Submission Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1- 888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 5804578

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFQ expressing their intent to participate via telephone.

6. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*. Any prospective proposer who has received this RFP by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFP. Failure to receive an addendum may result in disqualification of proposal. Written questions should be received no later than the date outlined in the **Anticipated RFP Timetable** section.

7. CONE OF SILENCE. This RFP is subject to, and all proposers are expected to be or become familiar with, the City's Cone of Silence Requirements, as codified in Section 2-486 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their response voidable, in the event of such non-compliance. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

- CONE OF SILENCE..... CITY CODE SECTION 2-486
- PROTEST PROCEDURES..... CITY CODE SECTION 2-371
- DEBARMENT PROCEEDINGS..... CITY CODE SECTIONS 2-397 THROUGH 2-485.3
- LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... CITY CODE SECTIONS 2-481 THROUGH 2-406
- CAMPAIGN CONTRIBUTIONS BY VENDORS..... CITY CODE SECTION 2-487
- CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... CITY CODE SECTION 2-488
- REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... CITY CODE SECTION 2-373

- LIVING WAGE REQUIREMENT..... CITY CODE SECTIONS 2-407 THROUGH 2-410
- PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... CITY CODE SECTION 2-374
- FALSE CLAIMS ORDINANCE..... CITY CODE SECTION 70-300
- ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... CITY CODE SECTION 2-449

9. PUBLIC ENTITY CRIME. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

10. COMPLAINT WITH THE CITY'S LOBBYIST LAWS. This RFP is subject to, and all Proposers are expected to be or become familiar with, all City lobbyist laws. Proposers shall be solely responsible for ensuring that all City lobbyist laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including, without limitation, disqualification of their responses, in the event of such non-compliance.

11. DEBARMENT ORDINANCE: This RFP is subject to, and all proposers are expected to be or become familiar with, the City's Debarment Ordinance as codified in Sections 2-397 through 2-406 of the City Code.

12. WITH THE CITY'S CAMPAIGN FINANCE REFORM LAWS. This RFP is subject to, and all Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their responses, in the event of such non-compliance.

13. CODE OF BUSINESS ETHICS. Pursuant to City Resolution No.2000-23879, the Proposer shall adopt a Code of Business Ethics ("Code") and submit that Code to the Procurement Division with its response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

14. AMERICAN WITH DISABILITIES ACT (ADA). Call 305-673-7490 to request material in accessible format; sign language interpreters (five (5) days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673- 7000, Extension 2984.

15. POSTPONEMENT OF DUE DATE FOR RECEIPT OF PROPOSALS. The City reserves the right to postpone the deadline for submittal of proposals and will make a reasonable effort to give at least three (3) calendar days written notice of any such postponement to all prospective Proposers through *PublicPurchase*.

16. PROTESTS. Proposers that are not selected may protest any recommendation for selection of award in accordance with eh proceedings established pursuant to the City's bid protest procedures, as codified in Sections 2-370 and 2-371 of the City Code (the City's Bid Protest Ordinance). Protest not timely made pursuant to the requirements of the City's Bid Protest Ordinance shall be barred.

17. INTENTIONALLY OMITTED.

18. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City Code Section 2-374, the City shall give a preference to a responsive and responsible Proposer which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent (5%) of the lowest responsive, responsible proposer, by providing such proposer an opportunity of providing said goods or contractual services for the lowest responsive proposal amount (or in this RFP, the highest proposal amount). Whenever, as a result of the foregoing preference, the adjusted prices of two (2) or more proposers which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise constitute the lowest proposal pursuant to an RFP or oral or written request for quotation, and such proposals are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the service-disabled veteran business enterprise.

19. DETERMINATION OF AWARD. The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. The City Manager's recommendation need not be consistent with the scoring results identified herein and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

20. NEGOTIATIONS. Following selection, the City reserves the right to enter into further negotiations with the selected Proposer. Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Proposer in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Proposers that no property, contract or legal rights of any kind shall be created at any time until and unless an Agreement has been agreed to; approved by the City; and executed by the parties.

21. Postponement/Cancellation/Acceptance/Rejection. The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, responses; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP, or in any responses received as a result of this RFP. Reasonable efforts will be made to either award the proposer the contract or reject all proposals within one-hundred twenty (120) calendar days after proposal opening date. A proposer may withdraw its proposal after expiration of one hundred twenty (120) calendar days from the date of proposal opening by delivering written notice of withdrawal to the Department of Procurement Management prior to award of the contract by the City Commission.

22. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

23. COSTS INCURRED BY PROPOSERS. All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the City.

24. RELATIONSHIP TO THE CITY. It is the intent of the City, and Proposers hereby acknowledge and agree, that the successful Proposer is considered to be an independent contractor, and that neither the Proposer, nor the Proposer's employees, agents, and/or contractors, shall, under any circumstances, be considered employees or agents of the City.

24. OCCUPATIONAL HEALTH AND SAFETY. In compliance with Chapter 442, Florida Statutes, any toxic substance listed in Section 38F-41.03 of the Florida Administrative Code delivered as a result of this proposal must be accompanied by a Material Safety Data Sheet (MSDS) which may be obtained from the manufacturer.

25. ENVIRONMENTAL REGULATIONS. The City reserves the right to consider a proposer's history of citations and/or violations of environmental regulations in investigating a proposer's responsibility, and further reserves the right to declare a proposer not responsible if the history of violations warrant such determination in the opinion of the City. Proposer shall submit with its proposal, a complete history of all citations and/or violations, notices and dispositions thereof. The non-submission of any such documentation shall be deemed to be an affirmation by the Proposer that there are no citations or violations. Proposer shall notify the City immediately of notice of any citation or violation which proposer may receive after the proposal opening date and during the time of performance of any contract awarded to it.

26. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

27. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this RFP. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

28. PAYMENT. Payment will be made by the City after the goods or services have been received, inspected, and found to comply with contract, specifications, free of damage or defect, and are properly invoiced. Invoices must be consistent with Purchase Order format.

29. COPYRIGHT, PATENTS & ROYALTIES. Proposer shall indemnify and save harmless the City of Miami Beach, Florida, and its officers, employees, contractors, and/or agents, from liability of any nature or kind, including cost and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the City of Miami Beach, Florida. If the Proposer uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the proposal prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

30. DEFAULT: Failure or refusal of the selected Proposer to execute a contract following approval of such contract by the City Commission, or untimely withdrawal of a response before such award is made and approved, may result in a claim for damages by the City and may be grounds for removing the Proposer from the City's vendor list.

31. MANNER OF PERFORMANCE. Proposer agrees to perform its duties and obligations in a professional manner and in accordance with all applicable Local, State, County, and Federal laws, rules, regulations and codes. Lack of knowledge or ignorance by the Proposer with/of applicable laws will in no way be a cause for relief from responsibility. Proposer agrees that the services provided shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Proposer agrees to furnish to the City any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws, rules, and regulations. Proposer further certifies that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Proposer to comply with this paragraph shall constitute a material breach of this contract.

Where contractor is required to enter or go on to City of Miami Beach property to deliver materials or perform work or services as a result of any contract resulting from this solicitation, the contractor will assume the full duty, obligation and expense of obtaining all necessary licenses, permits, and insurance, and assure all work complies with all applicable laws. The contractor shall be liable for any damages or loss to the City occasioned by negligence of the Proposer, or its officers, employees, contractors, and/or agents, for failure to comply with applicable laws.

32. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

33. NON-DISCRIMINATION. The Proposer certifies that it is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin. In accordance with the City's Human Rights Ordinance, codified in Chapter 62 of the City Code, Proposer shall prohibit (and cause hotel operator to prohibit) discrimination by reason of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age or disability in the sale, lease, use or occupancy of the Hotel Project or any portion thereof.

34. DEMONSTRATION OF COMPETENCY. The city may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the City, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.
- D. The terms "equipment and organization", as used herein shall, be construed to mean a fully equipped and well established company in line with the best business practices in the industry, and as determined by the City of Miami Beach.
- E. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience), in making an award that is in the best interest of the City.
- F. The City may require Proposer s to show proof that they have been designated as authorized representatives of a manufacturer or supplier, which is the actual source of supply. In these instances, the City may also require material information from the source of supply regarding the quality, packaging, and characteristics of the products to be supply to the City.

35. ASSIGNMENT. The successful Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract, including any or all of its right, title or interest therein, or his/her or its power to execute such contract, to any person, company or corporation, without the prior written consent of the City.

36. LAWS, PERMITS AND REGULATIONS. The Proposer shall obtain and pay for all licenses, permits, and inspection fees required to complete the work and shall comply with all applicable laws.

37. OPTIONAL CONTRACT USAGE. When the successful Proposer (s) is in agreement, other units of government or non-profit agencies may participate in purchases pursuant to the award of this contract at the option of the unit of government or non-profit agency.

38. VOLUME OF WORK TO BE RECEIVED BY CONTRACTOR. It is the intent of the City to purchase the goods and services specifically listed in this solicitation from the contractor. However, the City reserves the right to purchase any goods or services awarded from state or other governmental contract, or on an as-needed basis through the City's spot market purchase provisions.

39. DISPUTES. In the event of a conflict between the documents, the order of priority of the documents shall be as follows:

- A. Any contract or agreement resulting from the award of this solicitation; then
- B. Addendum issued for this solicitation, with the latest Addendum taking precedence; then
- C. The solicitation; then
- D. The Proposer's proposal in response to the solicitation.

40. INDEMNIFICATION. The Proposer shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the agreement by the contractor or its employees, agents, servants, partners, principals or subcontractors. The contractor shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may be incurred thereon. The Proposer expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided. The above indemnification provisions shall survive the expiration or termination of this Agreement.

41. CONTRACT EXTENSION. The City reserves the right to require the Contractor to extend contract past the stated termination date for a period of up to 120 days in the event that a subsequent contract has not yet been awarded. Additional extensions past the 120 days may occur as needed by the City and as mutually agreed upon by the City and the contractor.

42. FLORIDA PUBLIC RECORDS LAW. Proposers are hereby notified that all Bid including, without limitation, any and all information and documentation submitted therewith, are exempt from public records requirements under Section 119.07(1), Florida Statutes, and s. 24(a), Art. 1 of the State Constitution until such time as the City provides notice of an intended decision or until thirty (30) days after opening of the proposals, whichever is earlier. Additionally, Contractor agrees to be in full compliance with Florida Statute 119.0701 including, but not limited to, agreement to (a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the services; (b) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

43. OBSERVANCE OF LAWS. Proposers are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFP (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Proposer will in no way relieve it from responsibility for compliance.

44. CONFLICT OF INTEREST. All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

45. MODIFICATION/WITHDRAWALS OF PROPOSALS. A Proposer may submit a modified Proposal to replace all or any portion of a previously submitted Proposal up until the Proposal due date and time. Modifications received after the Proposal due date and time will not be considered. Proposals shall be irrevocable until contract award unless withdrawn in writing prior to the Proposal due date, or after expiration of **120** calendar days from the opening of Proposals without a contract award. Letters of withdrawal received after the Proposal due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

47. EXCEPTIONS TO RFP. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the RFP to which Proposer took exception to (as said term and/or condition was originally set forth on the RFP).

48. ACCEPTANCE OF GIFTS, FAVORS, SERVICES. Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Proposal. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

49. SUPPLEMENTAL INFORMATION. City reserves the right to request supplemental information from Proposers at any time during the RFP solicitation process, unless otherwise noted herein.

50. ADDITIONAL SERVICES. Although this solicitation and resultant contract identifies specific goods, services or facilities ("items"), it is hereby agreed and understood that the City, through the approval of the Department and Procurement Directors (for additional items up to \$50,000) or the City Manager (for additional items greater than \$50,000), may require additional items to be added to the Contract which are required to complete the work. When additional items are required to be added to the Contract, awarded vendor(s), as applicable to the item being requested, under this contract may be invited to submit price quote(s) for these additional requirements. If these quote(s) are determined to be fair and reasonable, then the additional work will be awarded to the current contract vendor(s) that offers the lowest acceptable pricing. The additional items shall be added to this contract by through a Purchase Order (or Change Order if Purchase Order already exists). In some cases, the City may deem it necessary to add additional items through a formal amendment to the Contract, to be approved by the City Manager.

The City may determine to obtain price quotes for the additional items from other vendors in the event that fair and reasonable pricing is not obtained from the current contract vendors, or for other reasons at the City's discretion.

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SECTION 0300
PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. One original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE BIDS. Bid Proposals are to be received on or before the due date established herein for the receipt of Bids. **Any Bid received after the deadline established for receipt of proposals will be considered late and not be accepted or will be returned to Proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of proposals, it is strongly recommended that proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

TAB 1	Cover Letter & Minimum Qualifications Requirements
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1.1 Cover Letter and Table of Contents. The cover letter must indicate Proposer and Proposer Primary Contact for the purposes of this solicitation.

1.2 Proposal Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed.

1.3 Minimum Qualifications Requirements. Submit verifiable information documenting compliance with the minimum qualifications requirements established in Appendix C, Minimum Requirements and Specifications.

TAB 2	Experience & Qualifications
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2.1 Qualifications of Proposing Firm. Submit detailed information regarding the firm's history and relevant experience and proven track record of providing the scope of services similar as identified in this solicitation, including experience in providing similar scope of services to public sector agencies. For each project that the Proposer submits as evidence of similar experience, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.

2.2 Qualifications of Proposer Team. Provide an organizational chart of all personnel and consultants to be used for this project if awarded, the role that each team member will play in providing the services detailed herein and each team members' qualifications. A resume of each individual, including education, experience, and any other pertinent information, shall be included for each Proposal team member to be assigned to this contract.

2.3 Financial Capacity. Each Proposer shall arrange for Dun & Bradstreet to submit a Supplier Qualification Report (SQR) directly to the Procurement Contact named herein. No proposal will be considered without receipt, by the City, of the SQR directly from Dun & Bradstreet. The cost of the preparation of the SQR shall be the responsibility of the Proposer. The Proposer shall request the SQR report from D&B at:

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>

Proposers are responsible for the accuracy of the information contained in its SQR. It is highly recommended that each Proposer review the information contained in its SQR for accuracy prior to submittal to the City and as early as possible in the solicitation process. For assistance with any portion of the SQR submittal process, contact Dun & Bradstreet at 800-424-2495.



TAB 3	Scope of Services Proposed
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Submit detailed information addressing how Proposer will achieve each portion of the scope of services and technical requirements outlined in Appendix C, Minimum Requirements and Specifications.

Responses shall be in sufficient detail and include supporting documentation, as applicable, which will allow the Evaluation Committee to complete a fully review and score the proposed scope of services.

TAB 4	Approach and Methodology
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Submit detailed information on how Proposer plans to accomplish the required scope of services, including detailed information, as applicable, which addresses, but need not be limited to: implementation plan, project timeline, phasing options, testing and risk mitigation options for assuring project is implemented on time and within budget.

TAB 5	Cost Proposal
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Submit a completed Cost Proposal Form (Appendix E).

Note: After proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

SECTION 0400
PROPOSAL EVALUATION

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the solicitation. If further information is desired, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of proposals will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the proposals only. The Evaluation Committee does not make an award recommendation to the City Manager. The results of Step 1 & Step 2 Evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission. In the event that only one responsive proposal is received, the City Manager, after determination that the sole responsive proposal materially meets the requirements of the RFP, may, without an evaluation committee, recommend to the City Commission that the Administration enter into negotiations.

2. Step 1 Evaluation. The first step will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step will consist of quantitative criteria established below to be added to the Evaluation Committee results by the Department of Procurement Management. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the qualifications criteria established below for Step 1, Qualitative Criteria. In doing so, the Evaluation Committee may review and score all proposals received, with or without conducting interview sessions.

Step 1 - Qualitative Criteria	Maximum Points
Qualifications and Experience of Proposer, including Financial Capability	20
Qualifications and Experience of Team	20
Program Management/Business Plan	30
Technical Capabilities	30
TOTAL AVAILABLE STEP 1 POINTS	

3. Step 2 Evaluation. Following the results of Step 1 Evaluation of qualitative criteria, the Proposers may receive additional quantitative criteria points to be added by the Department of Procurement Management to those points earned in Step 1, as follows.

Step 2 - Quantitative Criteria	
Cost Proposal	30
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	

4. Cost Proposal Evaluation. The cost proposal points shall be developed in accordance with the following formula:

Sample Objective Formula for Cost				
Vendor	Vendor Cost Proposal	Example Maximum Allowable Points (Points noted are for illustrative purposes only. Actual points are noted above.)	Formula for Calculating Points (lowest cost / cost of proposal being evaluated X maximum allowable points = awarded points) Round to	Total Points Awarded
Vendor A	\$100.00	30	$\$100 / \$100 \times 30 = 20$	30
Vendor B	\$150.00	30	$\$100 / \$150 \times 30 = 13$	20
Vendor C	\$200.00	30	$\$100 / \$200 \times 30 = 10$	15

5. Determination of Final Ranking. At the conclusion of the Evaluation Committee Step 1 scoring, Step 2 Points will be added to each evaluation committee member's scores by the Department of Procurement Management. Step 1 and 2 scores will be converted to rankings in accordance with the example below:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	22	15	12
	Total	104	91	92
	Rank	1	3	2
Committee Member 2	Step 1 Points	79	85	72
	Step 2 Points	22	15	12
	Total	101	100	84
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	22	15	12
	Total	102	89	78
	Rank	1	2	3
Low Aggregate Score		3	7	8
Final Ranking*		1	2	3

* Final Ranking is presented to the City Manager for further due diligence and recommendation to the City Commission. Final Ranking does not constitute an award recommendation until such time as the City Manager has made his recommendation to the City Commission, which may be different than final ranking results.

APPENDIX A



MIAMI BEACH

Proposal Certification, Questionnaire & Requirements Affidavit

2016-046-KB RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, Third Floor
Miami Beach, Florida 33139

Solicitation No: 2016-046-KB	Solicitation Title: RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES	
Procurement Contact: KRISTY BADA	Tel: 305-673-7490	Email: KRISTYBADA@MIAMIBEACHFL.GOV

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:	
No of Years in Business:	No of Years in Business Locally:
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:	
FIRM PRIMARY ADDRESS (HEADQUARTERS):	
CITY:	
STATE:	ZIP CODE:
TELEPHONE NO.:	
TOLL FREE NO.:	
FAX NO.:	
FIRM LOCAL ADDRESS:	
CITY:	
STATE:	ZIP CODE:
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:	
ACCOUNT REP TELEPHONE NO.:	
ACCOUNT REP TOLL FREE NO.:	
ACCOUNT REP EMAIL:	
FEDERAL TAX IDENTIFICATION NO.:	

The City reserves the right to seek additional information from Proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the Proposer to perform in accordance with contract requirements.

1. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

2. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Proposers must also disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

3. **References & Past Performance.** Proposer shall submit at least three (3) references for whom the Proposer has completed work similar in size and nature as the work referenced in solicitation.

SUBMITTAL REQUIREMENT: For each reference submitted, the following information is required: 1) Firm Name, 2) Contact Individual Name & Title, 3) Address, 4) Telephone, 5) Contact's Email and 6) Narrative on Scope of Services Provided.

4. **Suspension, Debarment or Contract Cancellation.** Has Proposer ever been debarred, suspended or other legal violation, or had a contract cancelled due to non-performance by any public sector agency?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

5. **Vendor Campaign Contributions.** Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their Proposals, in the event of such non-compliance.

SUBMITTAL REQUIREMENT: Submit the names of all individuals or entities (including your sub-consultants) with a controlling financial interest as defined in solicitation. For each individual or entity with a controlling financial interest indicate whether or not each individual or entity has contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach.

6. **Code of Business Ethics.** Pursuant to City Resolution No.2000-23879, each person or entity that seeks to do business with the City shall adopt a Code of Business Ethics ("Code") and submit that Code to the Department of Procurement Management with its proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. **Living Wage.** Pursuant to Section 2-408 of the Miami Beach City Code, as same may be amended from time to time, Proposers shall be required to pay all employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:

- Commencing with City fiscal year 2012-13 (October 1, 2012), the hourly living rate will be \$11.28/hr with health benefits, and \$12.92/hr without benefits.

The living wage rate and health care benefits rate may, by Resolution of the City Commission be indexed annually for inflation using the Consumer Price Index for all Urban Consumers (CPI-U) Miami/Ft. Lauderdale, issued by the U.S. Department of Labor's Bureau of Labor Statistics. Notwithstanding the preceding, no annual index shall exceed three percent (3%). The City may also, by resolution, elect not to index the living wage rate in any particular year, if it determines it would not be fiscally sound to implement same (in a particular year).

Proposers' failure to comply with this provision shall be deemed a material breach under this proposal, under which the City may, at its sole option, immediately deem said Proposer as non-responsive, and may further subject Proposer to additional penalties and fines, as provided in the City's Living Wage Ordinance, as amended. Further information on the Living Wage requirement is available at www.miamibeachfl.gov/procurement/.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees to the living wage requirement.

8. **Equal Benefits for Employees with Spouses and Employees with Domestic Partners.** When awarding competitively solicited contracts valued at over \$100,000 whose contractors maintain 51 or more full time employees on their payrolls during 20 or more calendar work weeks, the Equal Benefits for Domestic Partners Ordinance 2005-3494 requires certain contractors doing business with the City of Miami Beach, who are awarded a contract pursuant to competitive proposals, to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a Contractor who work within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

- A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?
☐ YES ☐ NO
- B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?
☐ YES ☐ NO
- C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Firm Provides for Employees with Spouses	Firm Provides for Employees with Domestic Partners	Firm does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

If Proposer cannot offer a benefit to domestic partners because of reasons outside your control, (e.g., there are no insurance providers in your area willing to offer domestic partner coverage) you may be eligible for Reasonable Measures compliance. To comply on this basis, you must agree to pay a cash equivalent and submit a completed Reasonable Measures Application (attached) with all necessary documentation. Your Reasonable Measures Application will be reviewed for consideration by the City Manager, or his designee. Approval is not guaranteed and the City Manager's decision is final. Further information on the Equal Benefits requirement is available at www.miamibeachfl.gov/procurement/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Bid or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of proposal submitted; Proposer has not divulged, discussed, or compared the proposal with other Proposers and has not colluded with any other Proposer or party to any other proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA)
)
 County of _____)
 of _____, a corporation, and that the instrument was signed in behalf of
 the said corporation by authority of its board of directors and acknowledged said
 instrument to be its voluntary act and deed. Before me:

 Notary Public for the State of Florida
 My Commission Expires: _____

APPENDIX B



MIAMI BEACH

“No Bid” Form

2016-046-KB

RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, Third Floor
Miami Beach, Florida 33139

Note: It is important for those vendors who have received notification of this solicitation but have decided not to respond, to complete and submit the attached “Statement of No Bid.” The “Statement of No Bid” provides the City with information on how to improve the solicitation process. Failure to submit a “Statement of No Bid” may result in not being notified of future solicitations by the City.

Statement of No Bid

WE HAVE ELECTED NOT TO SUBMIT A PROPOSAL AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

☐ Workload does not allow us to proposal

☐ Insufficient time to respond

☐ Specifications unclear or too restrictive

☐ Unable to meet specifications

☐ Unable to meet service requirements

☐ Unable to meet insurance requirements

☐ Do not offer this product/service

☐ OTHER. (Please specify)

We do ☐ do not ☐ want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
PROCUREMENT DEPARTMENT
ATTN: KRISTY BADA
PROPOSAL #2016-046-KB
1755 Meridian Avenue, 3RD Floor
MIAMI BEACH, FL 33139

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

2016-046-KB RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, Third Floor
Miami Beach, Florida 33139

C1. Minimum Eligibility Requirements. The Minimum Eligibility Requirements for this solicitation are listed below. Proposer shall submit, with its proposal, the required submittal(s) documenting compliance with each minimum requirement. Proposers that fail to include the required submittals with its proposal or fail to comply with minimum requirements shall be deemed non-responsive and shall not have its proposal considered.

1. Bidder (defined as the Firm) shall have a minimum of five years' experience providing similar services, inclusive of hardware and software, to County, or other local governmental organizations or public entities.

C2. Statement of Work Required.

The purpose of the RFP is to enter into a contract for the delivery and maintenance of unmanned cameras/monitoring devices also known as traffic control signal monitoring system for red traffic light violations with a vendor capable of a turnkey solution for design, implementation and maintenance. The successful vendor will provide for the appropriate hardware and administrative support to ensure a credible and reliable electronic camera recording system. The traffic control signal monitoring system will have the capability when utilizing one or more sensors to work in conjunction with a traffic control signal, still camera and video recording device, to capture and produce recorded images of motor vehicles entering into an intersection against a steady red light signal. The cameras will be installed by the vendor at no cost to the City of Miami Beach at traffic intersections at the direction of representatives of the Miami Beach Police Department.

The camera will have the technology to capture the image at the precise time the vehicle breaks the plane of an intersection where the traffic signal light turns red. The vendor will provide a representative to work closely with a trained law enforcement officer from the Miami Beach Police Department to verify each red light infraction. Violators will be presented with an infraction notice and still photographs of their alleged violation. Violators will also be provided with information on how to review video of their violation via a provided web site and exclusive PIN number for their particular infraction(s). As a result of the infraction, the owner/driver of the offending vehicle will be issued an infraction notice with the photographs of the violation from the vendor. The infraction will impose a fine that when paid, the revenue will be split in a percentage agreeable to the City of Miami Beach and the vendor. The City of Miami Beach agrees to assist the vendor in identifying the offending vehicle's registered owner and driver in an effort to determine the address to send the infraction. All repair and maintenance of the cameras and related equipment will be the sole responsibility of the vendor, including but not limited to maintaining the casings of the cameras and the vendor system and at no cost to the City of Miami Beach.

Initial installation of cameras is anticipated to be at fifteen (15) street intersections.

C3. Specifications

I. RED LIGHT CAMERA SYSTEM

Vendor shall provide and install all equipment including, but not limited to, poles, cabinets and related operational equipment at the selected intersection(s).

1.1 Explain why the vendor's red light camera technology is the best solution for the City of Miami Beach, the "City".

a) Does it detect more actual infractions?

b) Does it capture clearer images?

c) Does it convert more actual infractions into usable/enforceable images?

1.2 Provide a list, with photos and dimensions of all major equipment (e.g., cameras, flash or lighting units, cabinets [including generally what the cabinets contain], what will be installed at a two (2) approach, up to a five (5) lane intersection that may require both left and right turn monitoring). Strong preference will be given to systems that do not require additional cabinetry aside from that which houses the cameras All systems must be non-intrusive to roadway or transportation signal cabinetry.

1.3 Does the system at any time photograph or image the driver of the vehicle?

1.4 Use of a high quality digital camera system with an output in excess of 10 million pixels per image is required. Vendor must detail the image quality specifications and provide real sets of infraction image examples captured in daytime, nighttime, during inclement weather and during times where sunlight is pointing in the direction of the camera.

1.5 The equipment should be capable of gathering traffic data for statistical analysis. Copies of sample reports shall be attached.

1.6 The equipment shall be capable of deployment in a wide range of operating conditions; (e.g., heavy traffic volumes, adverse weather conditions, road surface configurations, etc., and across five (5) moving lanes of traffic).

1.7 The equipment shall provide a reliable non-intrusive, non-physical connection to the red phase signal.

1.8 The system must provide at least three (3) digital color still images of each violating event. The images must be taken so that the rear of the vehicle and license plate are captured and are readable. The first (1st) image shall capture the vehicle before the front wheels strike the legal infraction limit line. The second (2nd) image shall capture the vehicle after the rear axle has crossed the crosswalk or legal limit line. The third (3rd) one shall depict a close up of the license plate. Preference will be given for the ability to capture a short duration video of the infraction.

1.9 The camera system shall record data pertinent to each infraction at the time of capture.

1.10 Data shall be recorded in a flexibly configured data bar that is embedded with each scene, license plate and stop bar detection images that may be used to prove the infraction. The data bar shall include, but is not limited to, the following information for each infraction:

a) Does it detect more actual infractions?

- b) Unique infraction identifier incorporating the City;
- c) Location of infraction;
- d) Date (MM/DD/YYYY);
- e) Time of the infraction in 24 hour clock including hours, minutes and seconds;
- f) Elapsed time between images;
- g) Direction of travel;
- h) Traffic signal phase;
- i) Time into the red phase displayed in thousandths of a second;
- j) Duration of the prior amber phase;
- k) Vehicle lane of travel;
- l) Camera ID; and
- m) Frame sequence number.

1.11 Explain how the image and infraction data is secured and transmitted to the processing center.

1.12 Explain how the proposed system can compensate for the effects of license plate covers.

1.13 Explain how the proposed system can compensate for the effects of reflective material on license plates.

1.14 The system must provide an ancillary video system as supporting information to the infraction provided by the still images. The video must be full motion at the rate of thirty (30) frames per second or greater and allow aperture adjustment.

1.15 Each imaging unit's operation shall be microprocessor controlled and fully automatic.

1.16 The Camera System shall be capable of on-site or remote activation and maintenance support.

1.17 The Camera System shall perform self-test on set-up; simulate an infraction being recorded for testing; communicate error messages; record date and time of system shutdown in the event of a malfunction.

1.18 The Camera System shall allow a malfunction to be easily identified and debugged on-line.

1.19 The Camera System shall record event-specific evidence to substantiate multiple, simultaneous and/or concurrent infractions occurring during any red signal phase (Sample infraction images to demonstrate this capability are required as part of this proposal).

1.20 System shall provide 24/7 "live" intersection monitoring and viewing capabilities, and be accessible to the City.

1.21 All camera system component operations must be synchronized to a single, standard, independent, external and verifiable time and date source.

1.22 The selected Vendor must propose more than one vehicle detection method (In-ground loops will not be considered). Explain the vehicle detection methods that can be used by the proposed system, including the benefits and limitations of each (if more than one is offered).

1.23 Red light camera enclosures must be tamper proof and vandal proof.

1.24 Preference will be given to systems that require the least infrastructure at Intersection.

1.25 Red light camera enclosures must be as small as possible and use as little power as possible. State the size of the red light camera system enclosure and the normal power draw of the system, including the power usage during the flash phase.

1.26 Red light camera enclosures must be designed in such a fashion that maintenance and other operations can be accomplished easily and quickly without creating a public safety hazard. Explain typical maintenance procedures.

1.27 Vendor shall state installation and construction times for a generic intersection, as well as how power is provided to the equipment.

1.28 The Vendor's system shall be able to simultaneously monitor traffic in up to five (5) lanes.

1.29 In addition to monitoring straight-through infractions, the system shall be capable of detecting and recording evidence of left and right turn infractions, regardless of vehicle speed (please reference program). Explain how your system captures illegal right-turn-on-red movements.

1.30 Describe the proposed disaster recovery plan for the Network, including the expected response to equipment malfunctions under normal condition and within a disaster.

1.31 The selected Vendor shall preferably have the ability but not required to do Optical Character Recognition (OCR) on ALPR and store those reads in a centrally located database like Microsoft SQL Server. The read would have the following components for a bare-minimum integration:

<Plate Read>

<Latitude>

<Longitude>

<Scan Time>

<GMT Scan Time>
<Plate Image>
<Vehicle Image>

II INFRACTION PROCESSING

2.1 Explain why the Vendor's infraction processing system is the best choice for the City.

2.2 There shall be no requirement to install Vendor processing software on City-owned/ maintained IT systems.

2.3 Vendor's infraction processing system shall allow the City a detailed view into all of the information related to the program.

2.4 All access to the infraction processing system for the purpose of pre-processing evidence, police authorization, notice printing, payments tracking and generation of special master evidence packages shall be Internet enabled and shall be available 24/7 for authorized users.

2.5 The infraction processing system shall provide the following functions:

- a) Web-enabled access and operation;
- b) Secure user log-in and access;
- c) Automatic presentation of images and data captured by the camera system onto review PC's;
- d) Easy review of infraction evidence against regulations;
- e) Ability to both "play" full motion video and view multiple scene and plate images;
- f) Ability to view each image as a full screen enlargement with a single click;
- g) Ability to view all original images;
- h) Ability to "crop" a license plate image area from the optimal license plate image in the multiple-image license plate set to establish vehicle ID, and subsequently print the cropped plate area image to the notice;
- i) Ability to "accept" or "reject" infraction sets and record rejection reasons;
- j) Ability to generate printed warning letters (during the first ninety [90] days of the program at the City's discretion);
- k) Ability to automatically generate printed infraction notices;

- l) Ability to store and archive all processed infraction evidence into a secured database;
- m) 24/7 ability to access any stored infraction image from the system's database subject to agreed archive rules;
- n) 24/7 ability to request and immediately view Special Master Evidence Package image sequences displayed as video or as individual high resolution still shots, or send images to print locally;
- o) 24/7 ability to immediately request, view and print both standard and user-defined reports;
- p) Secured Access Control and automatically generated Electronic Audit Trails; and
- q) Encryption and decryption management.

2.6 Vendor system shall be capable of:

- a) Preparing and mailing one notice letter for all chargeable infractions to vehicle owners.
- b) Preparing and mailing a second notice for any infractions that remain unpaid as of their due date.
- c) Upon notification by City, preparing and mailing Notices of Hearings to violators whose fines are not paid within thirty (30) days of mailing of second notice.

2.7 Infractions for which registered owner data is available shall normally be issued within seven (7) business days after police review of the incident. Initial notice letters described in Section 2.6(a) shall not be sent until Vendor is advised to do so by the City.

2.8 Explain system for obtaining vehicle ownership information so that Notices of Infractions are sent accurately and reliably to registered owners of vehicles committing infractions, and the role, if any, of the City in obtaining or confirming that ownership information.

III STATISTICAL ANALYSIS AND REPORTING SYSTEMS

3.1 Systems with the capacity to produce statistical analysis of camera locations and operations will be preferred; including, at minimum:

- a) Hours of use per camera by operational site;
- b) Results achieved by each camera by site;
- c) Offenses recorded by site; and
- d) Traffic counts by lane, date and hour;
- e) Ability to do ad hoc reports on all data.

3.2 The Vendor's Processing system shall be capable of immediately generating operations reports 24/7 including:

- a) Number of infractions recorded;
- b) Count of infractions where notices not prepared;
- c) Notices prepared and mailed; and
- d) Status of notices issued (outstanding, canceled, reissued and so forth).

3.3 The Vendor system shall also supply reports of:

- a) Camera equipment hours of service and hours lost; and;
- b) Number and description of camera or other equipment malfunctions.

3.4 The Vendors system shall be capable of providing Infraction and Traffic Statistics as follows:

- a) Real-time traffic volume and vehicle counts; and;
- b) Real-time infraction graphs and chart by:
 - i) individual lane;
 - ii) time of day; and
 - iii) day of week.

3.5 Preference will be given to systems, that can analyze results obtained from each camera location to show the prosecutable image rate (e.g., the number of notices issued compared to the number of infractions captured) and the traffic count statistical information.

3.6 Preference will be given to systems that have online reporting capability in real time; and allow the Vendor to provide the City with a monthly activity report within ten (10) days following the end of the month.

3.7 The monthly report shall indicate the following:

- a) The number of events detected, notices/infractions issued and prosecutable image rate by location and in total;
- b) The total number of infractions that occurred and percentage of total vehicle traffic by lane; and
- c) The total number and percentage of rejected images by reason.

IV IMAGE TRANSMISSION SECURITY AND DATA STORAGE

4.1 Vendor must provide for image and data security that shall prevent unauthorized persons from accessing the camera images and databases and tampering with images (explain methodology).

4.2 The Vendor must store all enforceable images produced by cameras for no less than 180 days after final disposition or greater duration requested by City.

4.3 Vendor shall provide an evidence package for any contested violations.

The package shall consist of:

- a) All issued and disputed notices to the party; RFP NO. 2016-046-KB For Red Light Violation Camera Enforcement System and Related Support Services City of Miami Beach
- b) A violation history report;
- c) A correspondence file; and

d) A payment history.

4.4 Vendor will maintain a proper chain of evidence that meets the needs of the City, and hearing officers and court functions.

4.5 Vendor will provide a qualified expert witness who is knowledgeable on the theory, operation and functional capabilities of the red light camera unit.

V MAINTENANCE, SUPPORT AND TRAINING

5.1 All maintenance of camera, video, sensors, computer and related equipment shall be the responsibility of the Vendor. This shall include provisions of electricity or other sources of power to the equipment at Vendor's expense.

5.2 Vendor shall guarantee to repair or replace any inoperable equipment within 72 hours of detection by the Vendor or notification by the City.

5.3 Describe the proposed standard process for how often the cameras systems will be visited for maintenance and inspection. Explain what occurs during a maintenance and inspection visit.

5.4 Vendor must provide ongoing training support for their product.

5.5 Provision of hands-on training as necessary to personnel as required by the City.

5.6 Vendor shall furnish training materials.

VI OPERATIONS AND PUBLIC AWARENESS

6.1 Describe the Project Management Approach and how it will ensure a successful project for the City.

6.2 Present the skills and qualifications of the Project manager candidate and the team surrounding that candidate.

6.3 Present the proposed time-line that will allow the program to become operational for the 90 day introductory period and for the issuance of actual notices of violations and imposition of fines.

6.4 Describe the extent of the City staff's involvement in the project. Provide a list of City requirements.

6.5 Vendor will provide assistance with the content and design of a public education program and associated materials to be funded by the City and implemented by the Community Relations Department.

6.6 Vendor will support the City by training staff on how to present the Vendor's systems at public seminars or presentations. The Vendor will provide staff for public forums as necessary.

VII FEES AND SCOPE OF WORK FOR PRICING

7.1 The price proposal shall be based on the assumption of implementation of a minimum of fifteen (15) Intersections for five (5) years with an option to extend the contract for two (2) additional two (2) year periods. For comparative purposes, it shall be based on the Scope of Services indicated. The actual duration of the term will be addressed by contract negotiated with the successful proposer. Additional traffic control signal monitoring systems may be added by the City at the same proposed fee.

7.2 Vendor shall provide a project manager for the project as the single point of contact of the City.

7.3 Vendor shall provide intersection design and installation plans for review and approval by the City and Miami-Dade County Traffic Engineering, if applicable.

7.4 Vendor shall install and maintain installed cameras.

7.5 Vendor shall be responsible for loading, optimizing and license plate data entry processing of images for review (final review to be processed by authorized City police personnel).

7.6 Vendor will prepare the notice letters referenced in Section 2.6 for all chargeable infractions and will mail such notice letters to vehicle owners. The Vendor shall include a return envelope for payments with all notice letters.

7.7 Infractions for which registered owner data is available shall be issued within the legally required number of days of the infraction event date.

7.8 Vendor may be asked to provide all required notice processing supplies including, paper, envelopes, postage, toner and any and all notice printing supplies.

7.9 Notices shall include one set of images and a license plate image, as well as instructions as to viewing the alleged infraction through the internet.

7.10 Vendor shall provide a means for the fines to be paid on-line by credit or debit card.

7.11 Vendor shall provide a means for the fines to be paid by phone using a credit or debit card.

7.12 Vendor shall provide for a third party collection service for the collection of delinquent accounts, at City's discretion.

VIII RELOCATION

8.1 Over the course of the contract and after installation of the Detector System at any of the locations or any other location added by the City, if the City and the Successful Proposer determine that the intersection does not warrant a Detector System due to a low volume of red-light infractions, the City, at its sole discretion, may allow the Successful Proposer to relocate the Detector System(s) to another intersection approved by the City.

IX MAILING EXPENSES

9.1 Vendor will outline expectations of responsibility for all expenses associated with mailing of Uniform Traffic Citations, including but not limited to; certified mail, notice of violation in compliance with all State Law requirements.

APPENDIX D



MIAMI BEACH

Special Conditions

2016-046-KB RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, Third Floor
Miami Beach, Florida 33139

1. TERM OF CONTRACT. Five (5) years.

2. OPTIONS TO RENEW. Option to renew is at the discretion of the City for two (2) additional two (2) year periods.

3. PRICES. Not Applicable.

4. EXAMINATION OF FACILITIES. Not Applicable.

5. INDEMNIFICATION. The successful proposer will be required to Hold the City of Miami Beach Harmless, provide indemnification and defend the City of Miami Beach for any causes of action or lawsuits (which shall include payment of all monetary costs associated with the Litigation) that may be filed, and such indemnification, hold harmless and defense will be applicable as to any direct or indirect causes of action or lawsuit stemming from the red-light camera program.

Further, the Provider shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Provider or its employees, agents, servants, partners principals or subcontractors. Provider shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provider expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Provider shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. PERFORMANCE BOND. Not Applicable.

7. REQUIRED CERTIFICATIONS. Not Applicable.

8. SHIPPING TERMS. Not Applicable.

9. DELIVERY REQUIREMENTS. Not Applicable.

10. WARRANTY REQUIREMENTS. Not Applicable.

11. BACKGROUND CHECKS. Not Applicable.

12. COMPETITIVE SPECIFICATIONS. It is the goal of the City to maximize competition for the project among suppliers & contractors. Vendor shall endeavor to prepare all documents, plans & specifications that are in accordance with this goal. Under no condition shall Consultant include means & methods or product specifications that are considered "sole source" or restricted without prior written approval of the City.

13. ADDITIONAL TERMS OR CONDITIONS. This RFQ, including the attached Sample Contract, contains all the terms and conditions applicable to any service being provided to the City resulting from award of contract. By virtue of submitting a proposal, consultant agrees not to require additional terms

and conditions at the time services are requested, either through a separate agreement, work order, letter of engagement or purchase order.

14. CHANGE OF PROJECT MANAGER. A change in the Vendor's project manager (as well as any replacement) shall be subject to the prior written approval of the City Manager or his designee (who in this case shall be an Assistant City Manager). Replacement (including reassignment) of an approved project manager or public information officer shall not be made without submitting a resume for the replacement staff person and receiving prior written approval of the City Manager or his designee (i.e. the City project manager).

15. SUB-CONSULTANTS. The Vendor shall not retain, add, or replace any sub-consultant without the prior written approval of the City Manager, in response to a written request from the Consultant stating the reasons for any proposed substitution. Any approval of a sub-consultant by the City Manager shall not in any way shift the responsibility for the quality and acceptability by the City of the services performed by the sub-consultant from the Consultant to the City. The quality of services and acceptability to the City of the services performed by sub-consultants shall be the sole responsibility of Consultant.

16. NEGOTIATIONS. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer (s) will take place to arrive at a mutually acceptable Agreement, including final scope of services, deliverables and cost of services.

17. COST NEUTRAL REQUIREMENT. The successful proposer shall agree and acknowledge that this project shall be cost neutral to the City of Miami Beach, and the contractual agreement will encapsulate a provision that sets forth the cost neutrality that is acceptable to the City of Miami Beach. The cost neutrality determination shall be accomplished on a monthly basis, and will be applicability immediately upon the installation of the equipment.

18. MOST FAVORED CUSTOMER. The successful proposer shall warrant and represent to the City that the prices, warranties, benefits and terms set forth in the resulting contract negotiated between Proposer and the City shall be at least equal to (or more favorable to) the City than the prices, warranties, benefits and terms now charged or offered by the successful proposer, or that may be charged or offered during the Term of the City contract for the same or substantially similar services as defined in the contract.

In the event the successful Proposer enters into another agreement on any contractual provisions that provides prices, warranties, benefits and terms more favorable than those provided to the City, then the successful Proposer shall, within thirty (30) calendar days thereafter, notify the City of such fact and, regardless of whether such notice is sent by the successful Proposer or received by the successful Proposer or received by the City, the City contract shall be deemed to be automatically amended, effective retroactively to the effective date of the more favorable agreement that provided those same prices, warranties, benefits and terms to the City; provided that the City shall have the right and option, at its sole discretion, to decline to accept any such change, in which event such amendment shall be deemed null and void.

APPENDIX E



MIAMI BEACH

Cost Proposal Form

2016-046-KB RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, Third Floor
Miami Beach, Florida 33139

APPENDIX A PROPOSAL TENDER FORM

Failure to submit Section 5, Proposal Tender Form, in its entirety and fully executed by the deadline established for the receipt of proposals will result in proposal being deemed non-responsive and being rejected.

Bidder affirms that the prices stated on the proposal price form below represents the entire cost of the items in full accordance with the requirements of this RFP, inclusive of its terms, conditions, specifications and other requirements stated herein, and that no claim will be made on account of any increase in wage scales, material prices, delivery delays, taxes, insurance, cost indexes or any other unless a cost escalation provision is allowed herein and has been exercised by the City Manager in advance. The Bid Price Form (Section 5) shall be completed mechanically or, if manually, in ink. **Proposal Tender Forms (Section 5) completed in pencil shall be deemed non-responsive.** All corrections on the Proposal Tender Form (Section 5) shall be initialed.

Item	Description	Quantity	U / M	Unit Cost	Total (Quantity X Unit Cost)
1	Fixed Location Fee	15	Each	\$	\$
2	Infraction Processing Fee	12,000	Each	\$	\$
TOTAL					

Bidder's Affirmation	
Company:	
Authorized Representative:	
Address:	
Telephone:	
Email:	
Authorized Representative's Signature:	

APPENDIX F

Insurance Requirements

2016-046-KB RED LIGHT VIOLATION CAMERA ENFORCEMENT SYSTEM AND RELATED SUPPORT SERVICES

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, Third Floor
Miami Beach, Florida 33139



MIAMI BEACH

INSURANCE REQUIREMENTS

This document sets forth the minimum levels of insurance that the contractor is required to maintain throughout the term of the contract and any renewal periods.

- XXX 1. Workers' Compensation and Employer's Liability per the Statutory limits of the state of Florida.
- XXX 2. Comprehensive General Liability (occurrence form), limits of liability \$ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).
- XXX 3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
- 4. Excess Liability - \$.00 per occurrence to follow the primary coverages.
- XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.
- 6. Other Insurance as indicated:
 - Builders Risk completed value \$.00
 - Liquor Liability \$.00
 - Fire Legal Liability \$.00
 - Protection and Indemnity \$.00
 - Employee Dishonesty Bond \$.00
 - Other \$.00
- XXX 7. Thirty (30) days written cancellation notice required.
- XXX 8. Best's guide rating B+:VI or better, latest edition.
- XXX 9. The certificate must state the proposal number and title

The City of Miami Beach is self-insured. Any and all claim payments made from self-insurance are subject to the limits and provisions of Florida Statute 768.28, the Florida Constitution, and any other applicable Statutes.

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Condensed Title:

REQUEST FOR APPROVAL TO ISSUE REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-057-WG FOR INVESTIGATION, BACKGROUND, ADJUSTING AND SURVEILLANCE OF SELECTED TORT LIABILITY CLAIMS, WORKERS' COMPENSATION CLAIMS, AND OTHER EMPLOYMENT RELATED MATTERS.

Key Intended Outcome Supported:

Strengthen Internal Controls To Achieve More Accountability.

Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary/Recommendation:

The City's current contract for investigative and adjusting services for selected tort liability and worker's compensation claims expires August 8, 2016. In advance of a successor contract, the City of Miami Beach is requesting statements of qualifications from licensed, experienced investigative firms for services related to the investigation, background, adjusting and surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters. The successful firm shall possess a private investigators' license, as required by the State of Florida, and all professional credentials necessary to supply product and perform services as needed for the Human Resources Department to carry out its function in evaluation of claims to help minimize fraudulent claims and protect the assets of the City.

The successful firm will be required to provide the following services:

- Provide surveillance of the claimant for selected tort liability claims, workers' compensation claims, and other employment related matters.
- Provide activity checks of the claimant for selected tort liability claims, workers' compensation claims, and other employment related matters.
- Provide "research and background investigations" of claimants for selected tort liability claims, workers' compensation claims, and other employment related matters
- Provide complete investigative and adjusting services for selected tort liability claims.
- Provide written reports with appropriate documentation at the conclusion of each assignment to the Human Resources Department/Risk Management Division.

RECOMMENDATION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFQ 2016-057-WG for investigation, background, adjusting and surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

Advisory Board Recommendation:

N/A

Financial Information: The annual cost associated with the investigation and adjusting services is subject to the funds availability approved through the City's budgeting process.

Source of Funds:		Amount	Account
	1		
	2		
	Total		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Alex Denis, Extension 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
SCT 501 AD	MT	JLM

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **REQUEST FOR APPROVAL TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-057-WG FOR INVESTIGATION, BACKGROUND, ADJUSTING AND SURVEILLANCE OF SELECTED TORT LIABILITY CLAIMS, WORKERS' COMPENSATION CLAIMS, AND OTHER EMPLOYMENT RELATED MATTERS**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFQ.

BACKGROUND

The City's current contact for investigative and adjusting services for selected tort liability and worker's compensation claims expires August 8, 2016. In advance of a successor contract, the City of Miami Beach is requesting statements of qualifications from licensed, experienced investigative firms for services related to the investigation, background, adjusting and surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

SCOPE OF SERVICES

The successful firm shall possess a private investigators' license, as required by the State of Florida, and all professional credentials necessary to supply product and perform services as needed for the Human Resources Department to carry out its function in evaluation of claims to help minimize fraudulent claims and protect the assets of the City.

The successful firm will be required to provide the following services:

- Provide surveillance of the claimant for selected tort liability claims, workers' compensation claims, and other employment related matters.
- Provide activity checks of the claimant for selected tort liability claims, workers' compensation claims, and other employment related matters.
- Provide "research and background investigations" of claimants for selected tort liability claims, workers' compensation claims, and other employment related matters
- Provide complete investigative and adjusting services for selected tort liability claims.
- Provide written reports with appropriate documentation at the conclusion of each assignment to the Human Resources Department/Risk Management Division.
- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, RFQ 2016-057-WG for Investigation, Background, Adjusting and Surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, RFQ 2016-057-WG for Investigation, Background, Adjusting and Surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, RFQ 2016-057-WG for Investigation, Background, Adjusting and Surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFQ 2016-057-WG for Investigation, Background, Adjusting and Surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters, subject to funds availability approved through the City's budgeting process

- **ATTACHMENTS**
Attachment A: RFQ 2016-057-WG for Investigation, Background, Adjusting and Surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

JLM / MT / SCT / AD / WG

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REQUEST FOR QUALIFICATIONS (RFQ)

INVESTIGATION, BACKGROUND, ADJUSTING AND SURVEILLANCE OF SELECTED TORT LIABILITY CLAIMS, WORKERS' COMPENSATION CLAIMS, AND OTHER EMPLOYMENT RELATED MATTERS.

RFQ 2016-057-WG

RFQ ISSUANCE DATE: FEBRUARY 11, 2016

STATEMENTS OF QUALIFICATIONS DUE: MARCH 23, 2016 @ 3:00 PM

ISSUED BY:



MIAMIBEACH

William Garviso, Procurement Contracting Officer II

PROCUREMENT DEPARTMENT

1755 Meridian Avenue, 3rd Floor, Miami Beach, FL 33139

305.673.7000 x**6650** | www.miamibeachfl.gov

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SECTION 0200**INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS**

1. GENERAL. This Request for Qualifications (RFQ) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposer to submit their qualifications, proposed scopes of work and cost Statement of Qualifications (the "proposal") to the City for the City's consideration as an option in achieving the required scope of services and requirements as noted herein. All documents released in connection with this solicitation, including all appendixes and addenda, whether included herein or released under separate cover, comprise the solicitation, and are complementary to one another and together establish the complete terms, conditions and obligations of the Proposer and, subsequently, the successful proposer(s) (the "contractor[s]") if this RFQ results in an award.

The City utilizes **PublicPurchase** (www.publicpurchase.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFQ. Any prospective proposer who has received this RFQ by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFQ. **Failure to receive an addendum may result in disqualification of proposal submitted.**

2. PURPOSE.

The City of Miami Beach seeks statements of qualifications from licensed, experienced investigative firms for services related to the investigation, background and surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

3. SOLICITATION TIMETABLE. The tentative schedule for this solicitation is as follows:

Solicitation Issued	February 11, 2016
Pre-Submittal Meeting	N/A
Deadline for Receipt of Questions	March 13, 2016 @ 3:00PM
Responses Due	March 23, 2016 @ 3:00PM
Evaluation Committee Review	TBD
Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	TBD
Contract Negotiations	Following Commission Approval

4. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact:
William Garviso, CPPB

Telephone:
305 673-7000 # 6650

Email:
williamgarviso@miamibeachfl.gov

Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

5. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled.

A Pre-PROPOSAL conference will be held as scheduled in Anticipated RFQ Timetable section above at the following address:

**City of Miami Beach
Procurement Department – 3rd Floor
Conference Room
1755 Meridian Avenue
Miami Beach, Florida 33139**

Attendance (in person or via telephone) is encouraged and recommended as a source of information, but is not mandatory. Proposers interested in participating in the Pre-Proposal Submission Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1- 888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 9415468

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFQ expressing their intent to participate via telephone.

6. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*. Any prospective proposer who has received this RFQ by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFQ. Failure to receive an addendum may result in disqualification of proposal. Written questions should be received no later than the date outlined in the **Anticipated RFQ Timetable** section.

7. CONE OF SILENCE. This RFQ is subject to, and all proposers are expected to be or become familiar with, the City's Cone of Silence Requirements, as codified in Section 2-486 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their response voidable, in the event of such non-compliance. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

- | | |
|--|--|
| • CONE OF SILENCE..... | CITY CODE SECTION 2-486 |
| • PROTEST PROCEDURES..... | CITY CODE SECTION 2-371 |
| • DEBARMENT PROCEEDINGS..... | CITY CODE SECTIONS 2-397 THROUGH 2-485.3 |
| • LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... | CITY CODE SECTIONS 2-481 THROUGH 2-406 |
| • CAMPAIGN CONTRIBUTIONS BY VENDORS..... | CITY CODE SECTION 2-487 |
| • CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... | CITY CODE SECTION 2-488 |
| • REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... | CITY CODE SECTION 2-37 |
| • PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... | CITY CODE SECTION 2-374 |
| • FALSE CLAIMS ORDINANCE..... | CITY CODE SECTION 70-300 |
| • ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... | CITY CODE SECTION 2-449 |

9. PUBLIC ENTITY CRIME. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

10. COMPLIANCE WITH THE CITY'S LOBBYIST LAWS. This RFQ is subject to, and all Proposers are expected to be or become familiar with, all City lobbyist laws. Proposers shall be solely responsible for ensuring that all City lobbyist laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including, without limitation, disqualification of their responses, in the event of such non-compliance.

11. DEBARMENT ORDINANCE: This RFQ is subject to, and all proposers are expected to be or become familiar with, the City's Debarment Ordinance as codified in Sections 2-397 through 2-406 of the City Code.

12. WITH THE CITY'S CAMPAIGN FINANCE REFORM LAWS. This RFQ is subject to, and all Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their responses, in the event of such non-compliance.

13. CODE OF BUSINESS ETHICS. Pursuant to City Resolution No.2000-23879, the Proposer shall adopt a Code of Business Ethics ("Code") and submit that Code to the Procurement Division with its response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

14. AMERICAN WITH DISABILITIES ACT (ADA). Call 305-673-7490 to request material in accessible format; sign language interpreters (five (5) days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673- 7000, Extension 2984.

15. POSTPONEMENT OF DUE DATE FOR RECEIPT OF PROPOSALS. The City reserves the right to postpone the deadline for submittal of proposals and will make a reasonable effort to give at least three (3) calendar days written notice of any such postponement to all prospective Proposers through *PublicPurchase*.

16. PROTESTS. Proposers that are not selected may protest any recommendation for selection of award in accordance with the proceedings established pursuant to the City's bid protest procedures, as codified in Sections 2-370 and 2-371 of the City Code (the City's Bid Protest Ordinance). Protest not timely made pursuant to the requirements of the City's Bid Protest Ordinance shall be barred.

17. MIAMI BEACH-BASED VENDORS PREFERENCE. Pursuant to City of Miami Beach Ordinance No. 2011-3747, a five (5) point preference will be given to a responsive and responsible Miami Beach-based Proposer.

18. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City Code Section 2-374, the City shall give a preference to a responsive and responsible Proposer which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent (5%) of the lowest responsive, responsible proposer, by providing such proposer an opportunity of providing said goods or contractual services for the lowest responsive proposal amount (or in this RFQ, the highest proposal amount). Whenever, as a result of the foregoing preference, the adjusted prices of two (2) or more proposers which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise constitute the lowest proposal pursuant to an RFQ or oral or written request for quotation, and such proposals are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the service-disabled veteran business enterprise.

19. DETERMINATION OF AWARD. The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. The City Manager's recommendation need not be consistent with the scoring results identified herein and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

20. NEGOTIATIONS. Following selection, the City reserves the right to enter into further negotiations with the selected Proposer. Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Proposer in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Proposers that no property, contract or legal rights of any kind shall be created at any time until and unless an Agreement has been agreed to; approved by the City; and executed by the parties.

21. Postponement/Cancellation/Acceptance/Rejection. The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, responses; re-advertise this RFQ; postpone or cancel, at any time, this RFQ process; or waive any irregularities in this RFQ, or in any responses received as a result of this RFQ. Reasonable efforts will be made to either award the proposer the contract or reject all proposals within one-hundred twenty (120) calendar days after proposal opening date. A proposer may withdraw its proposal after expiration of one hundred twenty (120) calendar days from the date of proposal opening by delivering written notice of withdrawal to the Department of Procurement Management prior to award of the contract by the City Commission.

22. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

23. COSTS INCURRED BY PROPOSERS. All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the City.

24. RELATIONSHIP TO THE CITY. It is the intent of the City, and Proposers hereby acknowledge and agree, that the successful Proposer is considered to be an independent contractor, and that neither the Proposer, nor the Proposer's employees, agents, and/or contractors, shall, under any circumstances, be considered employees or agents of the City.

24. OCCUPATIONAL HEALTH AND SAFETY. In compliance with Chapter 442, Florida Statutes, any toxic substance listed in Section 38F-41.03 of the Florida Administrative Code delivered as a result of this proposal must be accompanied by a Material Safety Data Sheet (MSDS) which may be obtained from the manufacturer.

25. ENVIRONMENTAL REGULATIONS. The City reserves the right to consider a proposer's history of citations and/or violations of environmental regulations in investigating a proposer's responsibility, and further reserves the right to declare a proposer not responsible if the history of violations warrant such determination in the opinion of the City. Proposer shall submit with its proposal, a complete history of all citations and/or violations, notices and dispositions thereof. The non-submission of any such documentation shall be deemed to be an affirmation by the Proposer that there are no citations or violations. Proposer shall notify the City immediately of notice of any citation or violation which proposer may receive after the proposal opening date and during the time of performance of any contract awarded to it.

26. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

27. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this RFQ. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

28. PAYMENT. Payment will be made by the City after the goods or services have been received, inspected, and found to comply with contract, specifications, free of damage or defect, and are properly invoiced. Invoices must be consistent with Purchase Order format.



29. COPYRIGHT, PATENTS & ROYALTIES. Proposer shall indemnify and save harmless the City of Miami Beach, Florida, and its officers, employees, contractors, and/or agents, from liability of any nature or kind, including cost and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the City of Miami Beach, Florida. If the Proposer uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the proposal prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

30. DEFAULT: Failure or refusal of the selected Proposer to execute a contract following approval of such contract by the City Commission, or untimely withdrawal of a response before such award is made and approved, may result in a claim for damages by the City and may be grounds for removing the Proposer from the City's vendor list.

31. MANNER OF PERFORMANCE. Proposer agrees to perform its duties and obligations in a professional manner and in accordance with all applicable Local, State, County, and Federal laws, rules, regulations and codes. Lack of knowledge or ignorance by the Proposer with/of applicable laws will in no way be a cause for relief from responsibility. Proposer agrees that the services provided shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Proposer agrees to furnish to the City any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws, rules, and regulations. Proposer further certifies that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Proposer to comply with this paragraph shall constitute a material breach of this contract.

Where contractor is required to enter or go on to City of Miami Beach property to deliver materials or perform work or services as a result of any contract resulting from this solicitation, the contractor will assume the full duty, obligation and expense of obtaining all necessary licenses, permits, and insurance, and assure all work complies with all applicable laws. The contractor shall be liable for any damages or loss to the City occasioned by negligence of the Proposer, or its officers, employees, contractors, and/or agents, for failure to comply with applicable laws.

32. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

33. NON-DISCRIMINATION. The Proposer certifies that it is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin. In accordance with the City's Human Rights Ordinance, codified in Chapter 62 of the City Code, Proposer shall prohibit (and cause hotel operator to prohibit) discrimination by reason of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age or disability in the sale, lease, use or occupancy of the Hotel Project or any portion thereof.

34. DEMONSTRATION OF COMPETENCY. The city may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the City, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.

D. The terms "equipment and organization", as used herein shall, be construed to mean a fully equipped and well established company in line with the best business practices in the industry, and as determined by the City of Miami Beach.

E. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience), in making an award that is in the best interest of the City.

F. The City may require Proposer s to show proof that they have been designated as authorized representatives of a manufacturer or supplier, which is the actual source of supply. In these instances, the City may also require material information from the source of supply regarding the quality, packaging, and characteristics of the products to be supply to the City.

35. ASSIGNMENT. The successful Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract, including any or all of its right, title or interest therein, or his/her or its power to execute such contract, to any person, company or corporation, without the prior written consent of the City.

36. LAWS, PERMITS AND REGULATIONS. The Proposer shall obtain and pay for all licenses, permits, and inspection fees required to complete the work and shall comply with all applicable laws.

37. OPTIONAL CONTRACT USAGE. When the successful Proposer (s) is in agreement, other units of government or non-profit agencies may participate in purchases pursuant to the award of this contract at the option of the unit of government or non-profit agency.

38. VOLUME OF WORK TO BE RECEIVED BY CONTRACTOR. It is the intent of the City to purchase the goods and services specifically listed in this solicitation from the contractor. However, the City reserves the right to purchase any goods or services awarded from state or other governmental contract, or on an as-needed basis through the City's spot market purchase provisions.

39. DISPUTES. In the event of a conflict between the documents, the order of priority of the documents shall be as follows:

- A. Any contract or agreement resulting from the award of this solicitation; then
- B. Addendum issued for this solicitation, with the latest Addendum taking precedence; then
- C. The solicitation; then
- D. The Proposer's proposal in response to the solicitation.

40. INDEMNIFICATION. The Proposer shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the agreement by the contractor or its employees, agents, servants, partners, principals or subcontractors. The contractor shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may be incurred thereon. The Proposer expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided. The above indemnification provisions shall survive the expiration or termination of this Agreement.

41. CONTRACT EXTENSION. The City reserves the right to require the Contractor to extend contract past the stated termination date for a period of up to 120 days in the event that a subsequent contract has not yet been awarded. Additional extensions past the 120 days may occur as needed by the City and as mutually agreed upon by the City and the contractor.

42. FLORIDA PUBLIC RECORDS LAW. Proposers are hereby notified that all Bid including, without limitation, any and all information and documentation submitted therewith, are exempt from public records requirements under Section 119.07(1), Florida Statutes, and s. 24(a), Art. 1 of the State Constitution until such time as the City provides notice of an intended decision or until thirty (30) days after opening of the proposals, whichever is earlier. Additionally, Contractor agrees to be in full compliance with Florida Statute 119.0701 including, but not limited to, agreement to (a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the services; (b) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

43. OBSERVANCE OF LAWS. Proposers are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFQ (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Proposer will in no way relieve it from responsibility for compliance.

44. CONFLICT OF INTEREST. All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

45. MODIFICATION/WITHDRAWALS OF PROPOSALS. A Proposer may submit a modified Proposal to replace all or any portion of a previously submitted Proposal up until the Proposal due date and time. Modifications received after the Proposal due date and time will not be considered. Proposals shall be irrevocable until contract award unless withdrawn in writing prior to the Proposal due date, or after expiration of **120** calendar days from the opening of Proposals without a contract award. Letters of withdrawal received after the Proposal due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

47. EXCEPTIONS TO RFQ. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFQ, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the RFQ to which Proposer took exception to (as said term and/or condition was originally set forth on the RFQ).

48. ACCEPTANCE OF GIFTS, FAVORS, SERVICES. Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Proposal. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

49. SUPPLEMENTAL INFORMATION. City reserves the right to request supplemental information from Proposers at any time during the RFQ solicitation process.

50. ADDITIONAL SERVICES. Although this solicitation and resultant contract identifies specific goods, services or facilities ("items"), it is hereby agreed and understood that the City, through the approval of the Department and Procurement Directors (for additional items up to \$50,000) or the City Manager (for additional items greater than \$50,000), may require additional items to be added to the Contract which are required to complete the work. When additional items are required to be added to the Contract, awarded vendor(s), as applicable to the item being requested, under this contract may be invited to submit price quote(s) for these additional requirements. If these quote(s) are determined to be fair and reasonable, then the additional work will be awarded to the current contract vendor(s) that offers the lowest acceptable pricing. The additional items shall be added to this contract by through a Purchase Order (or Change Order if Purchase Order already exists). In some cases, the City may deem it necessary to add additional items through a formal amendment to the Contract, to be approved by the City Manager.

The City may determine to obtain price quotes for the additional items from other vendors in the event that fair and reasonable pricing is not obtained from the current contract vendors, or for other reasons at the City's discretion.

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SECTION 0300

SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. One original Statement of Qualifications (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, proposer name, proposer return address. Statement of Qualifications received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE BIDS. Statement of Qualifications are to be received on or before the due date established herein for the receipt of Bids. **Any Bid received after the deadline established for receipt of Statement of Qualifications will be considered late and not be accepted or will be returned to proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. STATEMENTS OF QUALIFICATIONS FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Statement of Qualifications, it is strongly recommended that Statement of Qualifications be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Statement of Qualifications that do not include the required information will be deemed non-responsive and will not be considered.

TAB 1 Cover Letter & Minimum Qualifications Requirements

1.1 Cover Letter and Table of Contents. The cover letter must indicate Proposer and Proposer Primary Contact for the purposes of this solicitation.

1.2 Response Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed.

1.3 Minimum Qualifications Requirements. Submit verifiable information documenting compliance with the minimum qualifications requirements established in Appendix C, Minimum Requirements and Specifications.

TAB 2 Experience & Qualifications

2.1 Qualifications of Proposing Firm. Submit detailed information regarding the firm's history and relevant experience and proven track record of providing the scope of services similar as identified in this solicitation, including experience in providing similar scope of services to public sector agencies.

2.2 References. Submit at least three (3) references as evidence of similar experience. For each reference, the following is required: project/scope of work description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.

2.3 Qualifications of Proposer Team. Provide an organizational chart of all personnel and consultants to be used for this project if awarded, the role that each team member will play in providing the services detailed herein and each team members' qualifications. At a minimum, the following key individuals are required:

- Project Manager (who shall comply with the licensing requirements pursuant to Section 493.6201, Florida Statutes)
- Private Investigator(s) (who shall comply with the licensing requirements pursuant to Section 493.6201, Florida Statutes)

A resume of each key individual, including licensure, education, experience, and any other pertinent information, shall be included for each respondent team member to be assigned to this contract.



2.3 Financial Capacity. Upon request of the City, each proposer shall arrange for Dun & Bradstreet to submit a Supplier Qualification Report (SQR) directly to the Procurement Contact named herein. No proposal will be considered without receipt, by the City, of the SQR directly from Dun & Bradstreet. The cost of the preparation of the SQR shall be the responsibility of the Proposer. The Proposer shall request the SQR report from D&B at:

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>

Proposals are responsible for the accuracy of the information contained in its SQR. It is highly recommended that each proposer review the information contained in its SQR for accuracy prior to submittal to the City and as early as possible in the solicitation process. For assistance with any portion of the SQR submittal process, contact Dun & Bradstreet at 800-424-2495.

Note: After proposal submittal, the City reserves the right to require additional information from Proposer (or proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

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**SECTION 0400****STATEMENTS OF QUALIFICATIONS EVALUATION**

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the requirements set forth in the solicitation. If further information is desired, Proposals may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Statement of Qualifications will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the Statement of Qualifications only. The Evaluation Committee does not make an award recommendation to the City Manager. The results of Step 1 & Step 2 Evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission. In the event that only one responsive proposal is received, the City Manager, after determination that the sole responsive proposal materially meets the requirements of the RFP, may, without an evaluation committee, recommend to the City Commission that the Administration enter into negotiations.

2. Step 1 Evaluation. The first step will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step will consist of quantitative criteria established below to be added to the Evaluation Committee results by the Department of Procurement Management. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the qualifications criteria established below for Step 1, Qualitative Criteria. In doing so, the Evaluation Committee may review and score all proposals received, with or without conducting interview sessions.

Step 1 - Qualitative Criteria	
Proposals shall be evaluated in accordance with the following evaluation criteria (in no particular order or weight):	
<ul style="list-style-type: none">• Similar project experience• References• Team member qualifications• or Other Factors or Information Requested under this RFQ	
TOTAL AVAILABLE STEP 1 POINTS	100

3. Step 2 Evaluation. Following the results of Step 1 Evaluation of qualitative criteria, the Proposer may receive additional quantitative criteria points to be added by the Department of Procurement Management to those points earned in Step 1, as follows.

Step 2 - Quantitative Criteria	
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	5



4. Determination of Final Ranking. At the conclusion of the Evaluation Committee Step 1 scoring, Step 2 Points will be added to each evaluation committee member's scores by the Department of Procurement Management. Step 1 and 2 scores will be converted to rankings in accordance with the example below:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	22	15	12
	Total	104	91	92
	Rank	1	3	2
Committee Member 2	Step 1 Points	79	85	72
	Step 2 Points	22	15	12
	Total	101	100	84
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	22	15	12
	Total	102	89	78
	Rank	1	2	3
Low Aggregate Score		3	7	8
Final Ranking*		1	2	3

* Final Ranking is presented to the City Manager for further due diligence and recommendation to the City Commission. Final Ranking does not constitute an award recommendation until such time as the City Manager has made his recommendation to the City Commission, which may be different than final ranking results.

APPENDIX A



MIAMI BEACH

Response Certification, Questionnaire & Requirements Affidavit

RFQ 2016-057-WG
INVESTIGATION, BACKGROUND, ADJUSTING
AND SURVEILLANCE OF SELECTED TORT
LIABILITY CLAIMS, WORKERS'
COMPENSATION CLAIMS, AND OTHER
EMPLOYMENT RELATED MATTERS

PROCUREMENT DEPARTMENT
1755 Meridian Avenue
Miami Beach, Florida 33139

Solicitation No: RFQ 2016-057-WG	Solicitation Title: Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers' Compensation Claims, and Other Employment Related Matters	
Procurement Contact: William Garviso, CPPB	Tel: 305 673-7000 # 6650	Email: williamgarviso@miamibeachfl.gov

STATEMENTS OF QUALIFICATIONS CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Response Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposals of certain solicitation and contractual requirements, and to collect necessary information from Proposals in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Statement of Qualifications Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:		
No of Years in Business:	No of Years in Business Locally:	No of Employees
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:		
FIRM PRIMARY ADDRESS (HEADQUARTERS):		
CITY:		
STATE:	ZIP CODE:	
TELEPHONE NO.:		
TOLL FREE NO.:		
FAX NO.:		
FIRM LOCAL ADDRESS:		
CITY:		
STATE:	ZIP CODE:	
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:		
ACCOUNT REP TELEPHONE NO.:		
ACCOUNT REP TOLL FREE NO.:		
ACCOUNT REP EMAIL:		
FEDERAL TAX IDENTIFICATION NO.:		

The City reserves the right to seek additional information from proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the proposer to perform in accordance with contract requirements.

1. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

2. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Proposers must also disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

3. **References & Past Performance.** Proposer shall submit at least three (3) references for whom the Proposer has completed work similar in size and nature as the work referenced in solicitation.

SUBMITTAL REQUIREMENT: For each reference submitted, the following information is required: 1) Firm Name, 2) Contact Individual Name & Title, 3) Address, 4) Telephone, 5) Contact's Email and 6) Narrative on Scope of Services Provided.

4. **Suspension, Debarment or Contract Cancellation.** Has Proposer ever been debarred, suspended or other legal violation, or had a contract cancelled due to non-performance by any public sector agency?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

5. **Vendor Campaign Contributions.** Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their Proposals, in the event of such non-compliance.

SUBMITTAL REQUIREMENT: Submit the names of all individuals or entities (including your sub-consultants) with a controlling financial interest as defined in solicitation. For each individual or entity with a controlling financial interest indicate whether or not each individual or entity has contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach.

6. **Code of Business Ethics.** Pursuant to City Resolution No.2000-23879, each person or entity that seeks to do business with the City shall adopt a Code of Business Ethics ("Code") and submit that Code to the Department of Procurement Management with its proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. ~~Living Wage.~~ Pursuant to Section 2-408 of the Miami Beach City Code, as same may be amended from time to time, Proposers shall be required to pay all employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:

- ~~Commencing with City fiscal year 2012-13 (October 1, 2012), the hourly living rate will be \$11.28/hr with health benefits, and \$12.92/hr without benefits.~~

~~The living wage rate and health care benefits rate may, by Resolution of the City Commission be indexed annually for inflation using the Consumer Price Index for all Urban Consumers (CPI-U) Miami/Ft. Lauderdale, issued by the U.S. Department of Labor's Bureau of Labor Statistics. Notwithstanding the preceding, no annual index shall exceed three percent (3%). The City may also, by resolution, elect not to index the living wage rate in any particular year, if it determines it would not be fiscally sound to implement same (in a particular year).~~

~~Proposers' failure to comply with this provision shall be deemed a material breach under this proposal, under which the City may, at its sole option, immediately deem said Proposer as non-responsive, and may further subject Proposer to additional penalties and fines, as provided in the City's Living Wage Ordinance, as amended. Further information on the Living Wage requirement is available at www.miamibeachfl.gov/procurement/.~~

SUBMITTAL REQUIREMENT: ~~No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees to the living wage requirement.~~

8. **Equal Benefits for Employees with Spouses and Employees with Domestic Partners.** When awarding competitively solicited contracts valued at over \$100,000 whose contractors maintain 51 or more full time employees on their payrolls during 20 or more calendar work weeks, the Equal Benefits for Domestic Partners Ordinance 2005-3494 requires certain contractors doing business with the City of Miami Beach, who are awarded a contract pursuant to competitive proposals, to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a Contractor who work within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?

☐ YES

☐ NO

B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?

☐ YES

☐ NO

C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Firm Provides for Employees with Spouses	Firm Provides for Employees with Domestic Partners	Firm does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

If Proposer cannot offer a benefit to domestic partners because of reasons outside your control, (e.g., there are no insurance providers in your area willing to offer domestic partner coverage) you may be eligible for Reasonable Measures compliance. To comply on this basis, you must agree to pay a cash equivalent and submit a completed Reasonable Measures Application (attached) with all necessary documentation. Your Reasonable Measures Application will be reviewed for consideration by the City Manager, or his designee. Approval is not guaranteed and the City Manager's decision is final. Further information on the Equal Benefits requirement is available at www.miamibeachfl.gov/procurement/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Statement of Qualifications made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Statement of Qualifications, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving Statement of Qualifications, may accept or reject Statement of Qualifications, and may accept Statement of Qualifications which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Statement of Qualifications in response to this solicitation.

Following submission of Statement of Qualifications, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Statement of Qualifications and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposals. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposals should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Statement of Qualifications conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Statement of Qualifications submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Statement of Qualifications.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposals will be bound only as, if and when a Statement of Qualifications, as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Statement of Qualifications and supporting documents shall be subject to disclosure as required by such law. All Statement of Qualifications shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposals are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Statement of Qualifications, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Statement of Qualifications, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Statement of Qualifications is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposals agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of proposal submitted; Proposer has not divulged, discussed, or compared the proposal with other Proposals and has not colluded with any other proposer or party to any other proposal; proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this proposal, inclusive of the Statement of Qualifications Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of _____) On this ____ day of _____, 20__, personally
) appeared before me _____ who
County of _____) stated that (s)he is the _____
of _____, a corporation, and that the instrument was signed in behalf of
the said corporation by authority of its board of directors and acknowledged said
instrument to be its voluntary act and deed. Before me:

Notary Public for the State of _____
My Commission Expires: _____

APPENDIX B



MIAMI BEACH

“No Bid” Form

RFQ 2016-057-WG
INVESTIGATION, BACKGROUND, ADJUSTING
AND SURVEILLANCE OF SELECTED TORT
LIABILITY CLAIMS, WORKERS'
COMPENSATION CLAIMS, AND OTHER
EMPLOYMENT RELATED MATTERS

PROCUREMENT DEPARTMENT
1755 Meridian Avenue
Miami Beach, Florida 33139

Note: It is important for those vendors who have received notification of this solicitation but have decided not to respond, to complete and submit the attached “Statement of No Bid.” The “Statement of No Bid” provides the City with information on how to improve the solicitation process. Failure to submit a “Statement of No Bid” may result in not being notified of future solicitations by the City.

Statement of No Bid

WE HAVE ELECTED NOT TO SUBMIT A STATEMENTS OF QUALIFICATIONS AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

☐ Workload does not allow us to proposal

☐ Insufficient time to respond

☐ Specifications unclear or too restrictive

☐ Unable to meet specifications

☐ Unable to meet service requirements

☐ Unable to meet insurance requirements

☐ Do not offer this product/service

☐ OTHER. (Please specify)

We do ☐ do not ☐ want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:

CITY OF MIAMI BEACH

PROCUREMENT DEPARTMENT

ATTN: **WILLIAM GARVISO, CPPB**

STATEMENTS OF QUALIFICATIONS #2016-057-WG

1755 MERIDIAN AVENUE

MIAMI BEACH, FL 33139

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

RFQ 2016-057-WG
INVESTIGATION, BACKGROUND, ADJUSTING
AND SURVEILLANCE OF SELECTED TORT
LIABILITY CLAIMS, WORKERS'
COMPENSATION CLAIMS, AND OTHER
EMPLOYMENT RELATED MATTERS

PROCUREMENT DEPARTMENT
1755 Meridian Avenue
Miami Beach, Florida 33139

C1. Minimum Eligibility Requirements. The Minimum Eligibility Requirements for this solicitation are listed below. Proposer shall submit, with its proposal, the required submittal(s) documenting compliance with each minimum requirement. Proposers that fail to include the required submittals with its proposal or fail to comply with minimum requirements shall be deemed non-responsive and shall not have its proposal considered.

1. **Firm.** Proposing Firm shall meet the licensing requirements pursuant to Section 493.6201, Florida Statute.
2. **Private Investigations Manager*.** The manager named in Tab 2 shall meet the licensing requirements pursuant to Section 493.6201, Florida Statute.
3. **Private Investigator(s)*.** The private investigator(s) named in Tab 2 shall meet the licensing requirements pursuant to Section 493.6201, Florida Statute.

*In the event that all City-related investigations will be handled by a private investigations manager, as defined in Section 493.6201, Florida Statute, the proposal need not include private investigators.

C2. Statement of Work Required.

The City of Miami Beach is requesting statements of qualifications from licensed, experienced investigative firms for services related to the investigation, background, adjusting and surveillance of selected tort liability claims, workers' compensation claims, and other employment related matters.

The successful firm will be required to provide the following services:

- Provide surveillance of the claimant for selected tort liability claims, workers' compensation claims, and other employment related matters.
- Provide activity checks of the claimant for selected tort liability claims, workers' compensation claims, and other employment related matters.
- Provide "research and background investigations" of claimants for selected tort liability claims, workers' compensation claims, and other employment related matters
- Provide complete investigative and adjusting services for selected tort liability claims.
- Provide written reports with appropriate documentation at the conclusion of each assignment to the Human Resources Department/Risk Management Division.

APPENDIX D



MIAMI BEACH

Special Conditions

RFQ 2016-057-WG
INVESTIGATION, BACKGROUND, ADJUSTING
AND SURVEILLANCE OF SELECTED TORT
LIABILITY CLAIMS, WORKERS'
COMPENSATION CLAIMS, AND OTHER
EMPLOYMENT RELATED MATTERS

PROCUREMENT DEPARTMENT
1755 Meridian Avenue
Miami Beach, Florida 33139

1. **TERM OF CONTRACT.** The contract shall commence upon the completion of a fully executed agreement and shall be effective for three (3) years.
2. **OPTIONS TO RENEW.** The City, through its City Manager, will have the option to extend for two (2) additional one-year periods subject to the availability of funds for succeeding fiscal years. Continuation of the contract beyond the initial period is a City prerogative; not a right of the bidder. This prerogative will be exercised only when such continuation is clearly in the best interest of the City.

APPENDIX E



MIAMI BEACH

Insurance Requirements

RFQ 2016-057-WG
INVESTIGATION, BACKGROUND, ADJUSTING
AND SURVEILLANCE OF SELECTED TORT
LIABILITY CLAIMS, WORKERS'
COMPENSATION CLAIMS, AND OTHER
EMPLOYMENT RELATED MATTERS

PROCUREMENT DEPARTMENT
1755 Meridian Avenue
Miami Beach, Florida 33139



MIAMI BEACH

INSURANCE REQUIREMENTS

This document sets forth the minimum levels of insurance that the contractor is required to maintain throughout the term of the contract and any renewal periods.

- XXX 1. Workers' Compensation and Employer's Liability per the Statutory limits of the state of Florida.
- XXX 2. Comprehensive General Liability (occurrence form), limits of liability \$ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).
- XXX 3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
4. Excess Liability - \$.00 per occurrence to follow the primary coverages.
- XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.
6. Other Insurance as indicated:
- | | |
|---|--------------------------|
| <u> </u> Builders Risk completed value | \$ <u> </u> .00 |
| <u> </u> Liquor Liability | \$ <u> </u> .00 |
| <u> </u> Fire Legal Liability | \$ <u> </u> .00 |
| <u> </u> Protection and Indemnity | \$ <u> </u> .00 |
| <u> </u> Employee Dishonesty Bond | \$ <u> </u> .00 |
| <u> </u> Other | \$ <u> </u> .00 |
- XXX 7. Thirty (30) days written cancellation notice required.
- XXX 8. Best's guide rating B+:VI or better, latest edition.
- XXX 9. The certificate must state the proposal number and title

The City of Miami Beach is self-insured. Any and all claim payments made from self-insurance are subject to the limits and provisions of Florida Statute 768.28, the Florida Constitution, and any other applicable Statutes.

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C4

**COMMISSION COMMITTEE
ASSIGNMENTS**

C4

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **REFERRAL TO NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE-
DISCUSSION REGARDING A MID-BEACH INTERMODAL FACILITY**

BACKGROUND

In 1999, the City of Miami Beach Municipal Mobility Plan Implementation Study prepared by the Corrandino Group, identified the need for an intermodal facility in the vicinity of Mount Sinai Hospital. The recommendation was based on the need for parking in the vicinity as well as to encourage the use of alternative modes of transportation to preserve the capacity of the adjacent roadways.

In 2007, the Coastal Communities Transit Plan prepared by the Center for Urban Transportation Research of the University of South Florida re-iterated the need for an Intermodal Facility in the vicinity of Mount Sinai Hospital. The plan highlighted that the facility would serve as an interceptor Park-and-Ride Station that could support the efficient restructuring of the MDT bus routes in Miami Beach. The study recommended that the location meet the following criteria:

- Direct access from the Julia Tuttle Causeway (I-195)
- Adequate protected, secure space for parking and the bus stop facilities
- Convenient access to the City streets
- Supportive of the redevelopment goals established by the City of Miami Beach

Last year, the Administration held several meetings with Mount Sinai Hospital officials to discuss the potential of developing the aforementioned Intermodal Facility within the Hospital's campus. However, after initial positive feedback, Mount Sinai officials decided that the proposed facility would represent a safety concern, if located on-campus.

As an alternative, the City's draft Transportation Master Plan (TMP) recommends studying the potential development of an Intermodal Facility at a site just south of the Julia Tuttle Causeway, on a parcel owned by the Florida Department of Transportation (FDOT). See attached site map. The draft TMP also recommends implementation of express bus service on dedicated lanes along Julia Tuttle Causeway. An Intermodal Facility at this location could serve as a park-and-ride/transit hub and interface with the City's proposed Mid-Beach trolley service as well as Miami-Dade Transit regional bus service and other means of transportation.

For reference purposes, the site is located east of the "Welcome to Miami Beach" gateway sign within the area bounded by Julia Tuttle Causeway, Alton Road northbound off-ramp, and Alton Road southbound. The 4.8 acre site is currently being used for construction staging purposes. In addition, the site is designated by FDOT as a debris storage and processing site. During some recent discussions between FDOT and City staff, FDOT has expressed some concerns with site accessibility and potentially repurposing this site for another use unless a suitable alternative debris storage site is identified within the City limits and approved by FDOT. To this end, the Transportation

Department engaged Atkins, a transportation engineering firm under the City's rotational contracts, to evaluate the feasibility of the site in terms of accessibility and viability for purposes of a Mid-Beach Intermodal Facility. The study is currently underway and is anticipated to be completed by summer 2016.

CONCLUSION

The Administration recommends referring this item to the Neighborhood/Community Affairs Committee for discussion and input.

Attachment: Map of Potential Intermodal Facility Site in Mid-Beach


JLM/KGB/JRG/MM

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Attachment: Potential Intermodal Facility Site in Mid-Beach



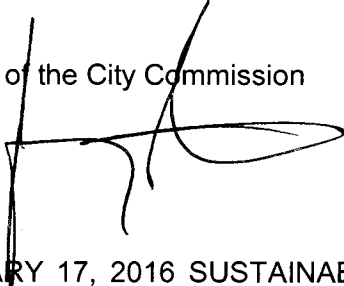
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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: A REFERRAL TO THE FEBRUARY 17, 2016 SUSTAINABILITY AND RESILIENCY COMMITTEE TO DISCUSS ESTABLISHING A KAYAK SHARING PROGRAM AT SELECT WATERFRONT PARKS

The Administration is requesting that a discussion item be referred to the February 17, 2016 Sustainability and Resiliency Committee meeting to discuss establishing a kayak sharing program at select waterfront parks.


JLM/ST/ESW/YP

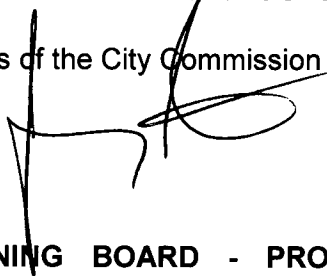
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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD - PROPOSED ORDINANCE AMENDMENT PERTAINING TO UNIFIED DEVELOPMENT SITES AND THE DISTRIBUTION OF FAR**

ADMINISTRATION RECOMMENDATION

Refer the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

HISTORY

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4C) to the Land Use and Development Committee.

ANALYSIS

Section 1.03(c) of the City of Miami Beach Charter explicitly prohibits the floor area ratio (FAR) of any property from being increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists currently, without being approved by a public referendum. This Charter provision does include an exception for the division of lots, "*or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance.*" The ordinance referred to is Section 118-5 of the Land Development Regulations of the City Code, pertaining to Unities of Title and Covenants in Lieu of Unity of Title. This section provides a mechanism for single or multiple buildings proposed for a unified development site consisting of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way.

When a development is proposed over multiple lots, or multiple buildings are proposed for single or multiple lots, a Unity of Title or a Covenant in Lieu of Unity of Title must be executed to combine the lots or buildings for zoning purposes. While the code allows for a unified development site over multiple abutting lots, clarifications are needed as it relates to lots that have different zoning designations.

The proposed ordinance amendment would modify sections 114-4, 142-73, and 118-5, as it relates to FAR for unified sites with different zoning districts. If the zoning districts within the proposed unified site all have the same maximum FAR, the proposed ordinance would allow for the movement of floor area to different portions of the unified site, up to the maximum permitted by code for the entire site. While this may result in a situation where the maximum FAR is exceeded in a particular district, the overall unified site will still comply with the combined maximum permissible floor area.

The proposal will allow for additional flexibility when developing certain sites. The subject ordinance proposes the following amendments to the Land Development Regulations:

Sec. 118-5. - Unity of title; covenant in lieu thereof.

The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "Unified Development Site":

- (a) All lots need not be in the same zoning district; however, the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district.*
- (b) If more than one zoning district exists, the entire united site may have the same maximum floor area ratio (FAR), inclusive of bonus FAR, provided all zoning districts within the Unified Development Site have the same maximum allowable FAR. The instrument creating the Unified Development Site shall clearly delineate both the maximum FAR and total square footage permitted.*
- (c) In the event a future change in zoning district classification modifies the maximum FAR for a district within a Unified Development Site, the maximum floor area square footage recorded for the Unified Development Site shall not be exceeded.*

114-4 - Compliance with regulations required

(7) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area ratio, minimum and average unit sizes or open space ratio regulations of the district in which it is located. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.

142-73 - Interpretation of district boundaries.

(6) If a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the district boundary shall be treated as if it were a lot line separating the two separately zoned parcels. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.

SUMMARY

On January 20, 2016 the Land Use and Development Committee discussed the proposed ordinance and recommended that the City Commission refer the item to the Planning Board for consideration. The Land Use Committee also recommended that residential districts (i.e. RM -1, 2 or 3) be removed from the proposal, if abutting commercial districts. This recommendation has been incorporated into the text of the draft ordinance for referral, and specifies that only abutting commercial and mixed-use districts with the same maximum FAR would be eligible.

CONCLUSION

In accordance with the January 20, 2016 action of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached Ordinance Amendment to the Planning Board.


JLM/SMT/TRM

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ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I ENTITLED "IN GENERAL" AT SECTION 118-5, ENTITLED "UNITY OF TITLE; COVENANT IN LIEU THEREOF;" CHAPTER 114, ENTITLED "GENERAL PROVISIONS," AT SECTION 114-4, ENTITLED "COMPLIANCE WITH REGULATIONS REQUIRED;" AND CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-73, ENTITLED "INTERPRETATION OF DISTRICT BOUNDARIES;" IN ORDER TO CLARIFY PROCEDURES FOR THE MOVEMENT OF FAR WITHIN UNIFIED DEVELOPMENT SITES WITH DIFFERING ZONING DISTRICTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS,...

WHEREAS,...

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 118, entitled "Administration and Review Procedures," Article I entitled "In General" at Section 118-5, entitled "Unity of title; covenant in lieu thereof," of the Miami Beach City Code is hereby amended as follows:

Sec. 118-5. - Unity of title; covenant in lieu thereof.

The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "Unified Development Site":

- (a) All lots need not be in the same zoning district; however; the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district.
- (b) If more than one commercial and/or mixed-use entertainment zoning district is proposed for a unified development site, the entire unified site may have the same

maximum floor area ratio (FAR), inclusive of bonus FAR, provided the eligible commercial and/or mixed-use entertainment zoning districts within the unified development site have the same maximum allowable FAR. The instrument creating the unified development site shall clearly delineate both the maximum FAR and total square footage permitted.

- (c) In the event a future change in zoning district classification modifies the maximum FAR for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.

SECTION 2. That Chapter 114, entitled “General Provisions,” at Section 114-4, entitled “Compliance with regulations required,” of the Miami Beach City Code is hereby amended as follows:

114-4 - Compliance with regulations required

(7) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area ratio, minimum and average unit sizes or open space ratio regulations of the district in which it is located. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a unified development site may be located over multiple zoning district boundaries.

SECTION 3. That Chapter 142, entitled “Zoning Districts and Regulations,” Article II entitled “District Regulations,” Division 1, entitled “Generally,” at Section 142-73, entitled “Interpretation of district boundaries,” of the Miami Beach City Code is hereby amended as follows:

142-73 - Interpretation of district boundaries.

(6) If a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the district boundary shall be treated as if it were a lot line separating the two separately zoned parcels. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a unified development site may be located over multiple zoning district boundaries.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the

remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

First Reading: March __, 2016

Second Reading: April __, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

[Sponsored by Commissioner Michael Grieco]

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD:
Proposed Ordinance Amendment Pertaining To The Establishment Of Minimum
Freeboard Requirements And Grade Elevations For New Construction.**

ADMINISTRATION RECOMMENDATION

Refer the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

HISTORY

On June 10, 2015, the City Commission referred a discussion item regarding grade requirements for single family homes to the Land Use and Development Committee (Item C4E). On June 17, 2015, the Land Use and Development Committee discussed the item, directed the Administration to prepare a draft Ordinance, and continued the item to the July 29, 2015 meeting.

On July 29, 2015, the item was continued to October 7, 2015. On October 7, 2015 the item was continued to December 2, 2015. The December Land Use meeting was subsequently canceled.

On October 14, 2015, at the request of Commissioner Malakoff, the City Commission referred a discussion item regarding amendments to the City Code to improve the City's resiliency to sea level rise, flooding and natural disasters to the Land Use and Development Committee (Item C4D).

On January 20, 2016 the Land Use Committee discussed and consolidated these items and recommended that the attached Ordinance Amendments be referred to the Planning Board. Commissioner Joy Malakoff agreed to sponsor the proposed Ordinance.

ANALYSIS

Below is a list of terms along with their common definitions, which are used throughout this analysis:

Freeboard means the additional height between the minimum finished floor elevation and the *base flood elevation*. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and other factors, which could contribute to greater flood heights.

Base Flood Elevation means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. Currently within the City of Miami Beach, this elevation

Agenda Item C4D
Date 2-10-16

ranges between 7 to 10 feet NGVD.

FEMA – **Federal Emergency Management Agency**. FEMA is an agency of Homeland Security, with the stated mission to “support our citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.”

FIRM – **Flood Insurance Rate Map**. This is the official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

NGVD and **NAVD** are reference surface vertical *datums* (a fixed starting point) used to ensure that all elevation records are properly related. The current national datum is the **National Geodetic Vertical Datum (NGVD)** of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD)** of 1988. **NGVD 29** used a simple model of gravity based on latitude to calculate the approximate sea level and did not take into account other variations. Thus, the elevation difference for points across the country does change between NGVD and NAVD. In order to convert between the two datums in Miami Beach, 1.56 is added to an elevation that is expressed as NAVD. For example, 5.0 feet NAVD = 6.56 feet NGVD. Although NAVD is a more updated standard, NGVD is still more widely used, thus both reference datums are included in this analysis.

LID - **Low-Impact Development** techniques mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

AECOM is the consultant for the development of the City's Comprehensive Resiliency Program. AECOM's recommendations have been incorporated into the proposed ordinances described in the below analysis.

1. Minimum Base Flood Elevation:

Limited areas of the City are depicted on the current FEMA FIRM panels as having a base flood elevation of 7.0 feet NGVD. Although the designation of base flood elevations are based on coastal inundation modeling by FEMA, further research and modeling as part of the ongoing City of Miami Beach Flood Mitigation Study indicates that during a large storm event, this area will be faced with similar flood risks as the surrounding areas currently mapped with a base flood elevation of 8.0 feet NGVD.

Therefore, to provide adequate protection of properties within this zone, it is recommended that the City adopt a minimum base flood elevation of 8.0 feet NGVD. This will affect major renovation and new construction projects, requiring a one foot higher finish floor elevation. However, it should be noted that this ordinance is intended to apply only to design and permitting requirements in the City and is not intended to be used as an insurance rate tool. The adopted FEMA FIRM panels will continue to be used for this purpose.

New FEMA FIRM panels will be available as soon as 2018-19 based on revised coastal modeling, providing updated base flood elevations for the entire City. Once these FEMA maps are adopted by the City, this code may require revision.

2. Building Freeboard

As sea levels and storm severity continue to increase, low lying infrastructure including buildings must also elevate in order to reduce risk or maintain low risk from potential flood damage. Consistent with U.S. Federal and state guidance, these code changes provide the basic level of

protection for buildings through minimal freeboard requirements. This nominal change in new building finish floor elevation requirements provides additional levels of protection, reduces insurance premiums and enhances the City's current NFIP CRS (National Flood Insurance Program Community Rating System) status which can have benefits to all residents and business owners in the City.

As proposed, a minimum freeboard of one (1) foot, and a maximum freeboard of three (3) feet would be established at this time. Building heights would be measured from the base flood elevation plus the actual freeboard provided, which would be between the minimum and maximum freeboard.

In order to account for the future raising of streets and sidewalks for commercial properties, the measurement of building height is also proposed to be modified. Commercial properties often have zero or minimal setbacks, and it is preferable from a business perspective and urban design standpoint to have such commercial uses located at the same level as the sidewalk. In order to accommodate the future raising of streets and sidewalks, additional height will have to be built into projects today, so that the building can be modified with a future raised floor slab to meet the future raised public sidewalk. As proposed, for projects that are designed to accommodate a future raised slab to meet the future sidewalk level, building height would be measured from the base flood elevation plus the provided freeboard. Currently, height for commercial properties that are located predominately at the sidewalk level, are measured from the minimum first floor elevation.

3. Seawall Elevation and Design

The City of Miami Beach is surrounded by water and protected from erosion and damage from wave action by seawalls. Since much of the island was built out over 50 years ago, many of these sea walls are at a low elevation reducing their effectiveness as the first line of defense against wave energy. For this reason, elevating this critical means of protection for the City is paramount to incorporating resilience.

Understanding the unintended consequences to view sheds from low lying homes, it is recognized that not all sea walls can be built to the ideal elevation of 5.7 feet NAVD at this time. For this reason and to continue protecting properties within the City, private sea walls are recommended to be elevated to an elevation of at least 4.0 feet NAVD, offering additional levels of protection with minimal adverse impacts to view sheds.

In addition to the increase in elevation for private sea walls, the design of the new/renovated walls shall also incorporate a more robust design including larger footer, rebar, width, etc. enabling a retrofit to elevation 5.7 feet NAVD with minimal effort such as with a height extension and new cap.

As proposed, all new public sea walls would be constructed to a minimum elevation of 5.7 feet NAVD. Any private sea walls impacted by public right-of-way projects involving City funds would also be constructed to the minimum elevation of 5.7 feet NAVD consistent with public sea walls.

Specifically, the Public Works Manual, Section A.2 "General Requirements – Sea Wall Elevation", is proposed to be amended as follows:

5) The minimum ~~height~~ top of wall elevation required ~~requirement~~ when replacing/repairing a public seawall is ~~3.2~~ 5.7 ft. NAVD (7.26 ft. NGVD).

5a) The minimum top of wall elevation required when replacing/repairing a private seawall is 4.0 ft. (NAVD 88), unless part of right-of-way project. However, the seawall structural

design shall accommodate a future retrofit for a seawall height extension up to a minimum elevation of 5.7 ft. NAVD (7.26 ft. NGVD).

9) When existing seawalls are disturbed as part of a right-of-way project they must be raised to a minimum elevation of 5.7 ft. NAVD. *(no change)*

4. Minimum Residential Lot Grade:

Recently, the City Commission amended the requirements for raising yards within Single Family Districts as an adaptation measure to address the effects of sea level rise.

Within single family districts, the maximum elevation of a required front yard and side yards facing a street is limited to no higher than the greater of 'adjusted grade', which is the midpoint between the base floor elevation (BFE) and 'sidewalk grade', or 30 inches above 'sidewalk grade'. As part of its overall review, AECOM has recommended that if the elevation of required yards is less than elevation 2.5 feet NAVD, then required yards may be elevated to 5.0 feet NAVD. Grade is the sidewalk elevation at the center of the property. For example, if grade is 4 feet NGVD, and the base flood elevation (BFE) is 8 feet NGVD, then adjusted grade is 6 feet NGVD. Since the 'adjusted grade' is only 24 inches above 'grade', in this instance the maximum elevation of a required yard could be raised to 30 inches above grade or 6 feet 6 inches NGVD.

While the previous amendments reflect improvements in addressing concerns over sea level rise, there needs to be better agreement between the Land Development Regulations (LDR's) and the Miami Beach Stormwater Management Master Plan (SMP). The adopted SMP calls for the raising of the minimum crowns of roadways in various parts of the City to approximately 5.26 feet NGVD (3.7 feet NAVD). In order to improve consistency between the SMP and LDR's, the proposed ordinance establishes a definition for the 'future crown of the road', where the SMP is referenced. It also establishes a 'future adjusted grade' which is the midpoint elevation between the future crown of the road and the base flood elevation (BFE).

In order to accommodate the raising of the roadways and public sidewalks, the proposed ordinance would require that all required yards for be raised to a minimum elevation of 5 feet NAVD (6.56 feet NGVD), with the exception of driveways, private walkways, grade transition areas, surface Stormwater shallow conveyance and LID features and areas where landscaping is to be preserved. However, it would still require that fences within front yards and side yards facing a street be measured from the existing 'sidewalk grade'. This will allow for better transitions between the public right of way and private property as the Stormwater Master Plan is implemented over time.

SUMMARY

The following chart provides a comparison of the primary changes proposed, as described above:

		Existing Requirements	Proposed Requirements
1.	Base Flood Elevation (BFE)	5.44 Feet NAVD (7 Feet NGVD)	6.44 Feet NAVD (8 Feet NGVD)
2.	Freeboard	0 feet above BFE	+1 foot to +3 feet above BFE
3.	Seawall Elevation	3.2 FT NAVD 4.76 FT NGVD	4 to 5.7 FT NAVD 5.56 to 7.26 FT NGVD

	(Private)		
	Seawall Elevation (Public)	3.2 FT NAVD 4.76 FT NGVD	5.7 FT NAVD 7.26 FT NGVD
4.	Minimum required yard elevation	No minimum required	5.0 Feet NAVD (6.56 Feet NGVD)

CONCLUSION

In accordance with the January 20, 2016 action of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached Ordinance Amendments to the Planning Board.

JLM/SMT/TRM/MAB

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FREEBOARD

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 54 “FLOODS” AT SECTION 54-35, “DEFINITIONS,” TO ESTABLISH DEFINITIONS FOR MINIMUM FREEBOARD, MAXIMUM FREEBOARD, AND PROVIDED FREEBOARD AND TO AMEND THE DEFINITION OF BASE FLOOD ELEVATION; AND BY AMENDING SECTION 54-48, “SPECIFIC STANDARDS” BY CLARIFYING THE MINIMUM ELEVATION OF THE LOWEST FINISHED FLOOR FOR RESIDENTIAL CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT; AND BY AMENDING SECTION 54-51, “STANDARDS FOR COASTAL HIGH HAZARD AREAS (V-ZONES),” BY CLARIFYING THE MINIMUM ELEVATION OF THE LOWEST FLOOR OF ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, low lying infrastructure including buildings must also elevate in order to reduce risk or maintain low risk from potential flood damage; and

WHEREAS, it is appropriate to amend the minimal freeboard requirements for residential structures to provide additional levels of protection to maintain consistency with U.S. Federal and state guidance, and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Section 54-35, “Definitions”, is hereby amended as follows:

* * *

Base flood elevation, for the City of Miami Beach shall be as defined in Chapter 114-1. ~~means the water surface elevation associated with the base flood.~~

* * *

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

Freeboard, minimum equals one (1) foot.

Freeboard, maximum equals three (3) feet.

Freeboard, Provided means the actual freeboard provided, between the minimum and maximum freeboard.

* * *

SECTION 2. That Section 54-48, "Specific Standards", is hereby amended as follows:

In all A-zones where base flood elevation data have been provided (zones AE, A1-30, A (with base flood elevation), and AH), as set forth in section 54-37, the following provisions, in addition to those set forth in sections 54-47 54-47 and 54-49 54-49, shall apply:

(1) *Residential construction.*

- (a) All new construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest finished floor elevated to no lower than the base flood elevation plus freeboard. For multi-family residential structures, garage entrances shall be no lower than adjusted grade, and the overall height and structural composition of the first floor garage structure shall be designed and built to accommodate a future raised floor slab to meet the height of a future raised public sidewalk. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of subsection 54-48(3).

* * *

(4) *Standards for manufactured homes and recreational vehicles.*

- (a) All manufactured homes that are placed, or substantially improved within azones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than the base flood elevation plus freeboard and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

* * *

SECTION 3. That Section 54-51. "Standards for coastal high hazard areas (V-zones)", is

hereby amended as follows:

* * *

Located within areas of special flood hazard established in section 54-37 are coastal high hazard areas, designated as zones V1-V30, VE, or V (with BFE). The following provisions shall apply:

- (2) All new construction and substantial improvements in zones V1-V30, VE, and V (with BFE) shall be elevated on pilings or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than the base flood elevation plus freeboard, whether or not the structure contains a basement; and

* * *

(c) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the 100-year flood elevation established by the Florida Department of Environmental Protection plus freeboard or the base flood elevation plus freeboard, whichever is the higher.

- * * *
- (11) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection plus freeboard or the base flood elevation plus freeboard, whichever is higher. All non-elevation design requirements subsections 54-51(2) through (10) shall apply.
- * * *

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading: _____, 2016
Second Reading: _____, 2016

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language
~~Strikethrough~~ = deleted language

DEVELOPMENT REGULATIONS – GRADE ELEVATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," INCLUDING A DEFINITION FOR BASE FLOOD ELEVATION, MAXIMUM ADJUSTED GRADE AND FUTURE CROWN OF THE ROAD, AND AMENDING THE DEFINITION OF GRADE; AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING AND CLARIFYING THE MAXIMUM ELEVATION WITHIN A REQUIRED YARD AND INCLUDING A MINIMUM ELEVATION REQUIREMENT, AND AMENDING AND CLARIFYING THE MEASUREMENT FOR MAXIMUM BUILDING HEIGHT; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, the City has previously implemented increased height requirements for sea walls in order to more fully protect the City from flooding; and

WHEREAS, it is appropriate to amend the maximum elevation requirements within required yards of single family districts to eliminate or mitigate any conflict with corresponding legislation enacted to address sea level rise and flood mitigation; and

WHEREAS, the regulation of grade elevations in single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods in the City; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City's single-family districts.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Section 114-1, "Definitions", is hereby amended as follows:

* * *

Base Flood Elevation means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. This elevation shall not be less than 8.0 ft. NGVD (6.44 ft. NAVD) in the City of Miami Beach.

* * *

Crown of the road, future means the expected elevation of the crown of a roadway as described in the adopted Miami Beach Stormwater Master Plan.

* * *

Grade means the city sidewalk elevation at the centerline of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the property shall be used. ~~the public works director shall establish the city sidewalk elevations.~~

Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

* * *

Grade, future adjusted, means the midpoint elevation between the future crown of the road and the minimum flood elevation plus provided freeboard for a lot or lots.

* * *

Height of building means the vertical distance from the lowest floor according to the following, as applicable:

(a) When the minimum finished floor elevation is located between grade and base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finished floor elevation to the highest point of the roof;

~~(b) When enclosed commercial or residential space is located at or below grade, height shall be measured from grade to the highest point to the roof;~~

~~(e)~~(b) When the minimum finished floor elevation is located above the base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the base flood elevation plus the provided "Freeboard".
The highest point of a roof is as follows:

1. The highest point of a flat roof;
2. The deck line of a mansard roof;
3. The average height between eaves and ridge for gable hip and gambrel roofs; or
4. The average height between high and low points for a shed roof.

~~(c)~~ For commercial properties, height shall be measured from the base flood elevation plus the provided "Freeboard", provided that the overall height and structural composition of the first floor of the structure is designed and built to accommodate a future raised floor slab to meet the height of a future raised public sidewalk.

* * *

SECTION 2. That Section 142-105, "Development regulations and area requirements", is hereby amended as follows:

* * *

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)*	Maximum Lot Coverage for a 2-story Home (% of lot area)**	Maximum Unit Size (% of Lot Area)	Maximum Building Height, which shall not exceed two stories above the <u>minimum base</u> flood elevation, <u>plus provided freeboard</u> in all districts***
RS-1	30,000	100	30%	50%	28 feet - flat roofs. 31 feet - sloped roofs.
RS-2	18,000	75	30%	50%	
RS-3	10,000	50 - Oceanfront lots. 60 - All others	30%	50%	24 feet - flat roofs. 27 feet - sloped roofs. May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
RS-4	6,000	50	30%	50%	24 feet - flat roofs. 27 feet- sloped roofs.
		*Except those lots fronting on a cul-de-sac or circular street as defined in lot width	**Single story homes shall follow the requirements of <u>section 142-105(b)(4)b.</u>		*** Height shall be measured from the <u>minimum required base</u> flood elevation for the lot, <u>plus provided freeboard</u> , measured to the top of the structural slab for a flat roof and to the mid-point of the slope for a sloped roof. Single story homes shall follow the requirements of <u>section 142-105(b)(4)b</u>

(2) *Maximum number of stories.* The maximum number of stories shall not exceed two above the minimum base flood elevation plus the provided freeboard.
* * *

(4) *Unit size requirements.*

*

*

*

- d. Non-air conditioned space located below minimum flood elevation, plus provided freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor is ~~required to be located six feet or more above existing grade~~ in order to meet minimum flood elevation requirements, including provided freeboard, the following shall apply:
1. The height of the area under the main structure may have a maximum floor to ceiling clearance of seven feet six inches from grade the lowest level slab provided. ~~Except that in the event that the minimum flood elevation requires the underside of the slab of the first habitable floor to exceed seven feet six inches from grade, such slab shall not exceed the minimum flood elevation as measured from grade.~~
 2. Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.
 3. The area under the first habitable floor of the main structure shall consist of non-air conditioned space, ~~which is at least 50 percent open~~. Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.
 4. The parking garage area and the ~~open~~, non-air-conditioned floor space located directly below the first habitable floor, shall not count in the unit size calculations, ~~provided it remains open in perpetuity~~.

*

*

*

- (8) *Exterior building and lot standards.* The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:
- a. Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations, which face a street or right-of-way.
 - b. The minimum elevation of a required yard shall be no less than 5 feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, surface stormwater shallow conveyance and LID features, and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c. below, the minimum elevation requirements shall still apply.
 - ~~b~~c. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation plus provided freeboard:
 1. *Front Yard.* The maximum elevation within a required front yard shall not exceed adjusted grade, ~~or 30 inches above grade~~, or future adjusted grade, whichever is greater. In this instance the maximum height of any fences or walls in the required front yard, constructed in accordance with Section 142-1132 (h), Allowable encroachments within required yards, shall be measured from existing grade.

2. *Interior Side Yards* (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
 - a. When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - b. When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
 - c.. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from the new average grade of the required side yards.
3. *Side Yard Facing a Street*. The maximum elevation within a required side yard facing a street shall not exceed adjusted grade or 30 inches above grade, or future adjusted grade, whichever is greater. In this instance the maximum height of any fences or walls in the required side yard facing a street, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from existing grade.
4. *Rear Yard*. The maximum elevation for a required rear yard, (not including portions located within a required sideyard or sideyard facing the street), shall be calculated according to the following:
 - a. *Waterfront*. The maximum elevation shall not exceed the ~~minimum required~~ base flood elevation plus provided freeboard.
 - b. *Non-waterfront*. The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
 - i. When the average grade of an adjacent lot along the abutting rear yard is equal or greater than adjusted grade, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - ii. When abutting a vacant property, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
 - iii. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both rear yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from the new average grade of the required rear yards.

5. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2016

Second Reading: _____, 2016

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: January 21, 2016
SUBJECT: **REFERRAL TO THE SUSTAINABILITY AND RESILIENCY COMMITTEE TO DISCUSS PROHIBITING CONTRACTORS FROM USING ROUNDUP AND OTHER CHEMICALS LABELED AS CARCINOGENS IN PUBLIC SPACES.**

Please add the above subject as a consent agenda item to the February 10, 2016 Commission meeting agenda.

Sincerely,
Ricky Arriola

MIAMIBEACH

Ricky Arriola, *Commissioner*

Office of the Mayor and Commission

1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139

Tel: 305-673-7000 x7107

www.miamibeachfl.gov

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Granado, Rafael

From: Grieco, Michael
Sent: Sunday, January 31, 2016 8:53 AM
To: Granado, Rafael
Subject: February Agenda

CONSENT AGENDA

Referral to Sustainability: Elimination and/or phasing out of gas-powered leaf blowers.

Please include this email attached to the referral. I obviously want to phase out the current blowers, but I want to assess the use of blowers in general or alternatively find a silent alternative that is environmentally friendly.

MIAMI BEACH

MICHAEL GRIECO, Commissioner

1700 Convention Center Drive
Miami Beach, FL 33140

Tel: 305-673-7204 | Fax: 305-673-7096
michaelgrieco@miamibeachfl.gov

SIGN UP FOR OUR NEWSLETTER [HERE](#)

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: February 1, 2016
SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT
COMMITTEE TO DISCUSS A COMPLETE REVIEW OF SIGN
ORDINANCES.**

Please add the above subject as a consent agenda item to the February 10, 2016 Commission meeting agenda.

In order to encourage bold and iconic signage on Miami Beach, I request a complete review of our current sign ordinances to address design, size, process, and other limitations that might hamper beautiful signage.

Sincerely,
Ricky Arriola

MIAMI BEACH

Ricky Arriola, Commissioner

Office of the Mayor and Commission

1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139

Tel: 305-673-7000 x7107

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C4 - Commission Committee Assignments

- C4H Referral To Planning Board: Waiver Of Development Regulations Pertaining To Alcoholic Beverages For The North Beach Band Shell, North Beach (UNIDAD) Senior Center, Miami Beach (Shane) Watersports Center And The Botanical Gardens.
(Sponsored by Commissioner Michael Grieco)

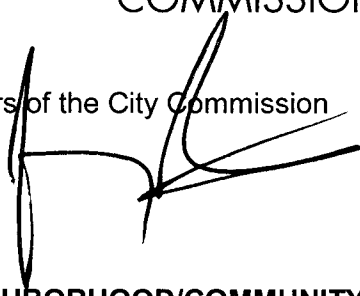
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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: **A REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS
COMMITTEE TO DISCUSS ENCROACHMENTS IN THE PUBLIC
RIGHT-OF-WAY**

The Administration recommends referral to the Neighborhood/Community Affairs Committee a discussion regarding City's Policy on addressing encroachments in the public right-of-way, during the construction of Neighborhood Improvement projects.


JLM/ETC/DM

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TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: February 3, 2016
SUBJECT: Referral to the Land Use and Development Committee and the Planning Board – a proposed Ordinance setting forth demolition procedures for all single family homes, regardless of the year of construction.

Specifically, before a demolition permit can be issued for the demolition of single family homes built subsequent to 1942, and any non-architecturally significant home built prior to 1942, a building permit process number for the proposed new home must be issued, the permit must be reviewed and approved by the planning department and all applicable permit fees must be paid in full.

Please add the above item to the February 10, 2016 City Commission Consent Agenda for referral to the Land Use Committee on February 12, 2016

If you have any questions, please contact me at extension 6622.

JVWM

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C6

COMMISSION COMMITTEE REPORTS

C6

MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: MEETING OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE (SRC) ON
WEDNESDAY, JANUARY 20, 2016

A meeting of the Sustainability and Resiliency Committee was held on Wednesday, January 20, 2016, in the Commission Chambers, 3rd Floor of City Hall. Commissioners in attendance: Commissioner Micky Steinberg, Commissioner John Elizabeth Aleman, Commissioner Ricky Arriola, Commissioner Joy Malakoff and Commissioner Kristen Rosen-Gonzalez. Members from the administration and the public were also in attendance.

Meeting was called to order at: 1:05 PM

1. Mayor's Blue Ribbon on Flooding and Sea Level Rise

AFTER-ACTION:

Bruce Mowry, City Engineer presented the item. He provided an update on projects that are being worked on throughout the city including Sunset Harbour neighborhood improvements.

Commissioner Malakoff asked how soon permanent pumps will be installed on North Bay Road in the area near Mount Sinai Hospital. Mr. Mowry explained that storm water modelling and the DCP are being put together. Eric Carpenter added that projects are being ranked and the most critical projects will be completed first.

Mr. Mowry also provided an update on the Mayor's Blue Ribbon Panel. Susanne Torriente, Assistant City Manager, explained that staff had a chance to give some recommendations of topics that could be discussed at the panel and they included urban design and historic preservation in the face of climate change, the current FAR and building heights, the City's Resiliency Strategy, and the incorporation of grey infrastructure and green infrastructure.

MOTION: No further action taken.

2. Sustainability Committee Update

AFTER-ACTION:

Dave Doeblar, Committee Chairman presented the item. He provided an update of the November 19, 2015 Sustainability Committee Meeting. He explained that John Ripple, Beach Maintenance Director, gave an overview of the beach maintenance plan to the Litter Sub-committee. He stated that the sub-committee discussed major events and non-sanctioned events such as spring break and a central command during these events would be beneficial.

He added that Ms. Torriente presented her vision for the City's sustainability and resiliency efforts. The committee suggested creating more defined metrics to track the City's progress through an annual or biannual report card.

There was also a discussion about the new educational messaging and awareness. The committee suggested adding more litter specific signage at the beach entrances.

MOTION: No further action taken.

3. Update on Improving Resiliency of Government Buildings and Operations to Reduce and Mitigate the Impacts of Greenhouse Gases

Commission Item C4H, September 2, 2015

(Requested by Commissioner Steinberg)

AFTER-ACTION:

Susanne Torriente Assistant City Manager, presented this item. She introduced Amy Knowles, Deputy Resiliency Officer, to the team. Amy Knowles described her work on an assessment phase and the data that will be collected. She added that it will include community and employee feedback so the community survey will include sustainability questions and resiliency questions.

Commissioner Arriola asked how the City ensures that the drinking water is safe. Margarita Wells, Environmental Manager, explained that the City works with the County to test the drinking water. A water quality report is published every two years and is available on the City's website. Eric Carpenter, Public Works Director, added that the Operations Division double checks the County's data and takes independent samples to ensure the quality of the drinking water.

Commissioner Aleman asked if the City has analyzed the heightening of the water table and the conditions under which it may need a desalinization plant. Susanne Torriente stated that experts from the City and the County will be brought together as a strategy is developed and this will part of their discussion.

Commissioner Gonzalez asked about the discrepancy between the water quality test results from the City and from FIU. Margarita Wells explained that tests conducted during different times of day, tide conditions, and seasons will produce different results. She described a program being developed that creates baselines across different seasons, different months, and different conditions in order to understand the system overall instead of at specific points.

Commissioner Aleman suggested expanding the ordinance that bans planting invasive trees to include invasive shrubs, hedges, and ornamental plants. Amy Knowles explained that it would be difficult to carry out because local stores sell those plants. She suggested educating the public about alternatives.

Commissioner Steinberg asked if there are some actions that can be taken while the Sustainability Master Plan is being created. Ms. Torriente explained that throughout the assessment phase, possible immediate actions are being tracked. Commissioner Aleman suggested looking at green procurement. Commissioner Steinberg mentioned the possibility of going paperless.

MOTION: No further action taken.

4. Discussion Regarding Potential Drafting of Plastic Bag Ban Ordinance in Anticipation of the State Pilot Program

*Commission Item C4K, December 9, 2015
(Requested by Commissioner Grieco)*

AFTER-ACTION:

Margarita Wells, Environmental Manager presented this item. She explained that residents have been asking for a plastic bag ban for many years but the City has been preempted by the state statutes from doing so. The state legislature is considering a pilot program that would allow coastal communities with fewer than 100,000 residents to regulate or ban disposable plastic bags.

Debora Turner, First City Attorney explained that if the law passes the City would only be able to enact a law that is effective January 1, 2017. She suggested that the committee continue their discussion until March so that it is known if the law passes and in what form it passes. Commissioner Arriola suggested that the committee wait until March before moving forward with enacting a law. Commissioner Gonzalez added that the committee should act as quickly as possible but that it will be difficult to educate all of the City's demographic and shared her concerns regarding the use of plastic bottles.

Commissioner Malakoff mentioned that Woosh Smart Waster Systems will be implementing a pilot program that will install water bottle filling stations throughout the City. Ms. Turner stated that 25 locations have been identified and that the agreements are being finalized.

Commissioner Aleman proposed starting a campaign that encourages the reduction of plastic bag use. Commissioner Steinberg suggested providing incentives to restaurants and businesses that get rid of plastic bags. She asked to bring back ideas of ways to incentivize businesses to forgo plastic bags to the next committee meeting.

Commissioner Steinberg inquired about the marketing firm working on the City's public awareness campaign. Yanira Pineda, Sustainability Coordinator stated that the company is RockOrange and the campaign is focusing on anti-littering. It is a partnership with the Greater Miami Convention and Visitors Bureau.

MOTION: Direct the Commission to instruct the City Attorney's office to begin drafting an ordinance for the prohibition of plastic bags in the City of Miami Beach.

Moved by Commissioner Arriola, seconded by Commissioner Gonzalez.

5. Discussion Implementing City Wide Textile and Electronic Recycling

Commission Item C4D, January 13, 2016

(Requested by Vice-Mayor Aleman)

AFTER-ACTION:

Commissioner Aleman presented this item. She provided an overview of the textile and electronic recycling program that she assisted with implementing at North Beach Elementary School and shared her goal of a citywide recycling program.

Mrs. Wells described the City's current plan which consists of two events per year for electronic recycling and household hazardous waste collection. She suggested adding textile recycling to these events in addition to adding permanent drop off locations throughout the city. In order to prevent illegal dumping, she proposed partnering with local businesses for pickup or drop off locations. She added that any company used for electronic recycling must have an R2 certification. Commissioner Steinberg inquired about having four yearly recycling events instead of two. Mrs. Wells informed there is a cost associated with each event due to the proper disposal of household chemicals.

Commissioner Aleman stated that staff should begin generating a list of possible partners. Ms. Torriente inquired about the RFP process that occurred before implementing the recycling program at the school. Commissioner Aleman explained that this was not a purchase so there was an unsolicited bid process.

MOTION: Item to be continued to the February 17, 2016 Sustainability and Resiliency Committee.


JLM/SMT/ESW/ab

MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: MEETING OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE (SRC) ON WEDNESDAY, DECEMBER 18, 2015

A meeting of the Sustainability and Resiliency Committee was held on Friday, December 18, 2015, in the Commission Chambers, 3rd Floor of City Hall. Commissioners in attendance: Commissioner Micky Steinberg, Commissioner John Elizabeth Aleman, Commissioner Ricky Arriola, Commissioner Joy Malakoff and Commissioner Kristen Rosen-Gonzalez. Members from the administration and the public were also in attendance.

Meeting was called to order at: 12:05 PM

1. Mayor's Blue Ribbon on Flooding and Sea Level Rise Update

AFTER ACTION:

Tom McGowan with AECOM presented the item. He provided an update of the September 2015 Blue Ribbon Panel Meeting. He explained that the committee voted to move forward with a set of land development code revisions. He added that he's collaborating with Betsy Wheaton and Susanne Torriente to put the recommendations into resolution form.

Mr. McGowan added that he is continuing to work on storm water modeling in Washington Avenue. He stated that the Blue Ribbon Panel will reconvene in January 2016.

Commissioner Steinberg asked what work was being done on Washington Avenue. Mr. McGowan stated that the pump station that connects to the Convention Center is being worked on and clarified that the utility ERU's are being analyzed to determine if any changes need to be made.

MOTION: No further action taken.

2. Sustainability Committee Update

MOTION: Item continued to the February 2016 Sustainability and Resiliency Committee

3. **7th Annual Southeast Florida Regional Climate Leadership Summit**

AFTER ACTION:

Susanne Torriente, Assistant City Manager presented the item. She explained that the Southeast Florida Regional Climate Change Compact is a voluntary collaborative effort between the four counties in Southeast Florida that started in 2010. The annual summit was held December 1st-3rd, 2015 in Key West and 452 representatives attended. She stated that the theme was "Charting the Course, Leading by Action" and described the activities and panels that took place on each day of the summit.

Ms. Torriente and Ms. Wheaton described how they have been speaking to other municipalities about the efforts Miami Beach is taking. Commissioner Steinberg asked if a subcommittee could be created to help cities interested in efforts dealing with climate change and resiliency. Ms. Torriente explained that the Compact has created a municipal workgroup in order to get more cities involved.

Commissioner Steinberg inquired about Miami-Dade County's role in these efforts. Ms. Torriente clarified the county's history and creation of a sustainability plan.

MOTION: No further action taken.

4. **Discussion to Improve the Resiliency of Government Buildings and Operations to Reduce and Mitigate the Impacts of Greenhouse Gases**

*Commission Item C4H, September 2, 2015
(Requested by Commissioner Steinberg)*

AFTER ACTION:

The item was presented by Susanne Torriente, Assistant City Manager. She defined what resiliency is and the role of the Chief Resiliency Officer. She explained that Miami Beach has partnered with the City of Miami and Miami Dade County to acquire a grant through 100 Resilient Cities.

Commissioner Steinberg asked what can be done now to start the process of reducing greenhouse gases. Ms. Wheaton stated that they are currently taking stock of the fleet to determine which vehicles will be purchased soon and researching hybrid and electric vehicles as options.

Commissioner Malakoff inquired about where the paper that is recycled at City Hall goes. Ms. Torriente explained the position of Sustainability Coordinator with a focus on recycling has been established. She also suggested that going paperless regarding agendas could be an immediate step to take to reduce paper consumption.

Commissioner Gonzalez asked if the plan needs to be in place before other projects can move forward. Ms. Torriente explained that the approach being used is incremental adaptation. Eric Carpenter, Director of Public Works, explained how the best information available is being used in order to provide the best work possible.

MOTION: Referral of the Citywide Resiliency Strategy to the City Commission for approval of the concept.

Moved by Commissioner Gonzalez, seconded by Commissioner Arriola.

5. **Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program**

Commission Item C4K, December 9, 2015

(Requested by Commissioner Grieco)

AFTER ACTION:

Elizabeth Wheaton presented this item. She explained that the state legislature will be reviewing a bill this coming session that could permit pilot programs of plastic bag bans in some municipalities.

MOTION: Item differed for further discussion to the January 20, 2015 Sustainability and Resiliency Committee.

Meeting adjourned at 12:44 PM

JLM/ SMT/ EWS/ab

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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2015

SUBJECT: REPORT OF THE FINANCE AND CITYWIDE PROJECTS
COMMITTEE MEETING ON JANUARY 22, 2016

The agenda is as follows:

NEW BUSINESS

1. Discussion Regarding The Renewal Of The Agreement Between The City Of Miami Beach, And Clear Channel Outdoor, Inc. (F.K.A. Clear Channel Adshel, Inc.) To Construct, Operate And Maintain Bus Shelter Structures And Other Street Furniture Throughout The City, Pursuant To City Of Miami Beach Request For Proposals No. 107-99/00

ACTION

The Committee moved this item to the Commission with a recommendation of going out for Request for Proposal (RFP) for the design of the bus shelters.

2. Discussion Regarding Incentivizing Local Theater in Miami Beach

ACTION

The Committee recommended the local theater be funded by The Fillmore revenue stream in order to cover the rental waivers of the Colony Theater so that theater events can occur on a weekly, bi-weekly or monthly basis.

3. Discussion Regarding Time Capsule 2066

ACTION

Item deferred to next meeting.

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF JANUARY 20, 2016**

A Land Use and Development Committee meeting was held on January 20, 2016. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and John Elizabeth Aleman. Commissioners Kristen Rosen Gonzalez and Micky Steinberg also attended. Members from the Administration, including, Susanne Torriente, Thomas Mooney, Eve Boutsis, Michael Belush, Eric Carpenter, Enrique Nunez, Ricardo Guzman, and Rogelio Madan as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:05 PM.

1. Annual Evaluation of Parking Impact Fee Structure.

(Returning from the July 29, 2015 LUDC Meeting
Sponsored By City Commission
September 17, 2014 Item R7E)
Verbal Report

MOTION: Continued to February 17, 2016 by acclamation.

2. Discussion On The Collins Canal Project.

(Returning From the July 29, 2015 LUDC Meeting
Sponsored By City Commission
September 10, 2014 City Commission Meeting, Item R9G)
Verbal Report

AFTER-ACTION:

Eric Carpenter introduced the item.
Item discussed.

MOTION: Item concluded and no further action required by acclamation.

3. Sidewalk Café Ocean Drive Umbrellas

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach,

Agenda Item CG D
Date 2-10-16

Florida, Amending Chapter 82, Entitled "Public Property," Article Iv, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.

(Continued from the October 9, 2015 LUDC Meeting
Sponsored By City Commission
May 20, 2015 City Commission Meeting, Item R5B)

MOTION: Continued to February 3, 2016 and consolidated with Ocean Drive Task Force Discussion Item by acclamation.

4. a) Discussion Regarding Grade Elevations for New Construction.

(Returning from the June 17, 2015 LUDC Meeting
Sponsored By City Commission
June 10, 2015 City Commission Meeting, Item C4E)

4. b) Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards.

(Sponsored by Commissioner Joy Malakoff
October 14, 2015 City Commission Meeting, Item C4D)

AFTER-ACTION:

Marcia Tobin from AECOM introduced the item.

The following recommendations were made as part of AECOM's presentation:

- That the base flood elevation be set at eight feet across the City.
- Define the minimum City of Miami Beach freeboard as one foot, and provide an allowance up to three feet.
- That the height of sea walls be increased on public property to 5.7 feet
- That the height of sea walls on private minimum 4 feet with an allowance up to 5.7 feet
- Increase minimum residential lot grade to 5 feet

Michael Belush recommended that a minimum yard elevation be established.
Members of the public addressed the committee.

MOTION: JA/MG (3-0)

Recommend that the City Commission refer an ordinance to the Planning Board.

5. Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit.

(Returning From the September 9, 2015 LUDC Meeting
Sponsored By Commissioner Joy Malakoff
June 10, 2015 City Commission Meeting, Item C4I)

AFTER-ACTION:

Commissioner Malakoff described why there is a need for a revised landscape ordinance. Enrique Nunez introduced the item.

Eve Boutsis stated that there was a need to ensure that there was no overlap between chapter 46 and the proposed ordinance and that fines for non-compliance be further developed.

Commissioner Malakoff described the need to include Landscape Plans in CIP and Public Works projects.

Susanne Torriente described coordination efforts between Planning, Environmental, Public Works, and CIP.

Commissioner Malakoff detailed the need for the City taking over the maintenance of canopy in the public rights of way.

Commissioner Grieco detailed why the City stopped maintaining certain street trees near private property.

Eric Carpenter described the existing requirements for maintenance of trees in public rights of way.

Commissioner Aleman requested additional information regarding the procedures for tree removal permits.

Enrique Nunez described the proposed regulations for tree removal permits.

Eve Boutsis requested that the committee consider that the removal or not planting of required shrubs require payment into trust fund, remove allowances for variances, and remove the ability to appeal.

MOTION: MG/JA (3-0)

Continued to February 17, 2016 and that the recommendations discussed by the Committee be incorporated into a revised draft of the proposed ordinance.

6. Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island.

(Returning From the September 9, 2015 LUDC Meeting
Sponsored By City Commission
July 8, 2015 City Commission Meeting, Item C4D)
Verbal Report

AFTER-ACTION:

Michael Larkin described the proposal.

Commissioner Grieco expressed concerns over the additional height and the need for the City to cover the cost of a floor for the City's vehicle maintenance facility.

Commissioner Malakoff expressed concerns over additional traffic on the MacArthur Causeway.

Members of the public addressed the committee.

Concerns were expressed over the need for parking at the City's vehicle maintenance yard and for the Coast Guard.

Eve Boutsis indicated that if the City wished to proceed with the request that it would have to be referred to the Finance Committee.

MOTION: MG/JA (3-0)

Continue to March 30, 2016

7. Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.

(Returning from the September 9, 2015 LUDC Meeting
Sponsored By Commissioner Joy Malakoff
September 2, 2015 City Commission Meeting, Item C4I)
Verbal Report

AFTER-ACTION:

Commissioner Grieco requested that the name of the discussion be modified to a discussion on "Air Rights" over the alley.

Mickey Marrero described the proposal and that the developer would be able to assist the City in replacing the water and sewer systems.

Commissioner Malakoff requested that there be public parking available.

MOTION: MG/JA (3-0)

Continue to March 30, 2016 and recommend that the City Commission refer the item to the Finance Committee

8. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date.

(Sponsored By Commissioner Michael Grieco
October 14, 2015 City Commission Meeting, Item C4B)

AFTER-ACTION:

Commissioner Grieco introduced the item.

Thomas Mooney indicated that the item was referred to the Planning Board and was scheduled to be heard at the January 26, 2016 meeting. Mr. Mooney also indicated that any recommended changes would be presented to the Planning Board on the floor.

Commissioner Malakoff expressed concerns over the proposed fines.

Commissioner Aleman requested that language regarding no trespassing as suggested by the homeless trust be incorporated into the City wraps.

Members of the public addressed the committee.

Commissioner Grieco recommended that the ordinance be amended to allow for a 15-day warning.

Thomas Mooney described the following amendments to the proposed ordinance that would be recommended to the Planning Board:

- That a 15-day warning be issued prior to issuing a violation.
- The first violation will be issued after 30 days of non-compliance.
- "No trespassing" language be incorporated into City wraps as suggested by the homeless trust.

MOTION: JA/MG (3-0)

Recommend that the ordinance be approved as amended

9. Discussion On Expanding The Role Of The Board Of Adjustment To Include The Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect.

(Sponsored By Commissioner Joy Malakoff
October 14, 2015 City Commission Meeting, Item C4F)
Verbal Report

AFTER-ACTION:

Thomas Mooney introduced the item.

Commissioner Grieco expressed concerns with transferring powers for neighborhood impact establishments from the Planning Board to the Board of Adjustments.

Members of the public addressed the committee.

MOTION: Item concluded and no further action required by acclamation.

10. Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden.

(Sponsored By Commissioner Michael Grieco
October 14, 2015 City Commission Meeting, Item C4G)

AFTER-ACTION:

Commissioner Malakoff introduced the item.

Eve Boutsis indicated that an alternative to approving the proposed ordinance amendment, the City Commission could approve a waiver of the alcoholic beverage regulations.

Members of the public addressed the committee.

Commissioner Aleman suggested that the North Shore Oceanfront Center be included in the proposed ordinance.

MOTION: MG/JA (3-0)

Recommend that the City Commission consider four waivers regarding alcoholic beverage regulations for the North Shore Bandshell, Shane Rowing Center, Botanical Garden, and North Shore Oceanfront Center.

11. Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.

(Sponsored by Commissioner Joy Malakoff
December 9, 2015 City Commission Meeting, Item C4A)

MOTION: Continued to February 17, 2016 by acclamation.

12. Discussion Regarding Amending Section 118-5 Unity of Title; Covenant in Lieu thereof.

(Sponsored by Commissioner Michael Grieco)

December 9, 2015 City Commission Meeting, Item C4C)

AFTER-ACTION:

Thomas Mooney introduced the item and suggested that any multifamily districts be excluded from the proposed ordinance.

MOTION: JA/MG (3-0)

Recommend that the City Commission refer the proposed ordinance to the Planning Board with the modification that sites involving multifamily zoning be excluded from the modification.

- 13. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Land Development Regulations (LDR's) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD.3 District, Washington Avenue Between 16th Street And 17th Street Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue To Include The CD-3, Commercial-High Intensity District Properties Fronting 16th And 17th Street And Authorizing For New Hotel Construction Or Conversion To Hotel Use, With The Minimum Hotel Room Unit Size Of 175 Square Feet, And Provide Some Additional Design Regulations Relating To The Hotel Use; Providing For Codification; Repealer; Severability; And An Effective Date.**

(Sponsored by Commissioner Michael Grieco

December 9, 2015 City Commission Meeting, Item C4H)

MOTION: The item was withdrawn by the sponsor.

- 14. Discussion Regarding The City of Miami Beach's Building Permit Application Process.**

(Sponsored by Commissioner Ricky Arriola

January 13, 2016 City Commission Meeting, Item C4E)

Verbal Report

AFTER-ACTION:

Members of the public addressed the committee.

Thomas Mooney described the notice requirements for projects submitted for consideration by a land use board.

Commissioner Grieco requested that staff research opportunities for improving notification procedures so that notice is provided to residents when an application to a land use board is submitted.

MOTION: Continued to February 17, 2016 by acclamation.

- 15. Ordinance Amending Height and Setbacks for Mixed-Use Development in the Sunset Harbour Neighborhood.**

(Sponsored by Commissioner Joy Malakoff

January 13, 2016 City Commission Meeting, Item C4F)

Verbal Report

MOTION: Continued to February 17, 2016 by acclamation.

16. Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.

(Sponsored by Commissioner Joy Malakoff
January 13, 2016 City Commission Meeting, Item C4I)
Verbal Report

MOTION: Continued to March 30, 2016 by acclamation.

The meeting adjourned at 5:20 p.m.


JLM/SMT/TRM/MAB/RAM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

January 20, 2016

City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Tom Robertson	305-377-6226		@
2. Marvin Maldonado	305-532-8316		@
3. Alfredo Maldonado	" "		@
4. Jason Bird	970-214-1495	✓	jason.bird@aecom.com
5. Marcus Tobin	415-810-5793		@
6. Frank Vukic	305-532-6844	✓	jeank193@aol.com
7. Jeff Ryander	305-715-4623	✓	jeffryander@the-grubson.com
8. Jim Izaguirre	703-998-2620	✓	JimIz@compny.com
9. Jim Wilcox	305-970-7147	✓	Tw1828@aol.com
10. Nessim Bohbot	917-423-5513		@
11. Deborah Bohbot	917-423-5513	✓	dnbohbot@gmail.com
12. Michael Gaby			@
13. GARY SNIDER			@
14. STAN SMITH	202-441-7882		SFS54 @BellSouth.NET
15. Matthew Amster	305-374-5300		manster@brzonglaw.com
16. Pat Lafferton	518-339-9474	✓	ma.t.laff@aol.com
17. Lew TITTON	914-466-4966		LEW @LHTJR.COM
18. Peter Palmer	305-833-2469	"	pepalmer64@gmail.com
19.			@
20.			@

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MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC)
MEETING ON FRIDAY, JANUARY 15, 2016

A meeting of the Neighborhood/Community Affairs Committee was held on Friday, January 15, 2016 at 2:26 p.m. in the Commission Chamber, 3rd Floor of City Hall. Commissioners in attendance: Commissioners John Elizabeth Alemán, Michael Grieco, Kristen Rosen Gonzalez, Joy Malakoff and Micky Steinberg. Members from the administration and the public were also in attendance.

THE MEETING OPENED AT 2:26 P.M.

1. Discussion Regarding The Status Of City Funds Given To The Wolfsonian-FIU Museum.

*Commission Item C4M, April 15, 2015
(Requested by Commissioner Tobin)*

AFTER-ACTION

Commissioner Grieco said this item no longer had a sponsor, and so requested this item be removed from the pending list all together.

NO ACTION TAKEN

2. Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations.

*Commission Item C4F, January 15, 2014
(Requested by Office of the City Manager)*

AFTER-ACTION

Max Sklar, Director of Tourism, Culture, and Economic Development (TCED), presented this item. He said he came before the committee at the December 2015 NCAC meeting and items were condensed in the memorandum.

The first item in the packet is regarding buffer zones. Residents believe that buffer zones are necessary and would amount to about 20 percent on the north and south sides in the concession areas. Max Sklar and his team propose a series of different measures that don't include buffer zones. Max Sklar said there is a lot of space left in front of the chairs, east of the concession area that the general public can use. The public can go through the street ends to access the space and the water. Max Sklar said (TCED) also

proposes that no more than 40 percent of the frontage of the beach concession from north to south be occupied by concession facilities, including huts and storage boxes. The City currently tries to regulate them by matching the number of huts and storage boxes to the amount of chairs in the concession area. At the direction of the Neighborhood/Community Affairs Committee following the December 2015 discussion, TCED is proposing that no more than 40 percent of the linear frontage from north to south be occupied by concession stands, including storage boxes and huts, which cannot go eastward of that line. No stacking of boxes or huts east and west of each other.

At the start of each day, TCED is proposing that no more than 50 percent of beach chairs and equipment be deployed in the concession area. Once concessionaires use and rent all of their equipment, they can deploy the rest of their equipment and space is then open for the general public. TCED is also adding a requirement to add signage to all of the storage boxes and huts. The signage must say that the concession is open to the public and should also display the rates to rent the equipment.

Max Sklar said the Marine and Waterfront Protection Authority passed 3 motions unanimously that all pertain to the establishment of buffer zones and a series of other recommendations they would like to see if buffer zones are implemented. Although the Commission and the public have said that there is too much equipment out on the beach, Max Sklar said that is not the case for all concessionaires. Some of the concessionaires have larger areas that can withstand the level of equipment. Max Sklar said there is no limit as of now, but they are proposing one chair per upland unit, for the upland properties that have reached the proposed maximum of \$15,000. They are also proposing for half a chair per upland unit for the non-commercial concessions. There are a number of condominiums that don't rent to the public; it is only for the condo residents.

The next item is the Food and Beverage Service. Max Sklar said that it is still the administration's recommendation that the City sunset those grandfathered food trucks a year from the date of adoption of the amended rules and regulations. Max Sklar said the food trucks would have been eliminated and removed from the beach, but there was a loophole that has allowed them to stay there. A number of the operators have invested in their equipment or the useful life just has not expired. That is what extended their abilities to stay out on the beach, due to the "Useful life" clause in the language. Max Sklar said 5 concessionaires were grandfathered in. Four of them are operated by one entity and one by another. Instead of providing food service from their kitchen, they are servicing their guests from the food truck. Some of those trucks do not service the general public; you must be at a chair to order food from them. Commissioner Rosen Gonzalez asked what they are paying per concession. Max Sklar said that it is \$743 per permit.

Max Sklar said, since the last NCAC meeting, emails were received from the community regarding the need for ashtrays on the beach. There is no current requirement for ashtrays in the private concessions, but there are for public concessions. Max Sklar and team are proposing one ashtray for every 50 chairs. Commissioner Rosen Gonzalez said that it should be more like one per 5-10 chairs. Max Sklar said they can increase the requirement with the direction from the committee. Also, there was no clear direction from the committee last meeting regarding enforcement. Max Sklar and team are proposing progressive penalties: the first offense starting at \$50, second offense \$100, third offense \$250 and the fourth offense would be \$500 for the same offense. Some

people commented that these were too low; some people from the Marine and Waterfront Protection Authority would like the City to rescind the ability for the operating of the concessions for a period of time. Max Sklar said they need clear direction on this topic.

Captain Dan Kipnis, Chairman of the Miami Beach Marine and Waterfront Protection Authority said that the committee does not agree with everything Max Sklar said. He said that \$50 for the first offense penalty is not high enough. If the city took a day's worth of business away from the concessionaires that would really cost them, then take 2 days away, and so on. The penalty really needs to deter the concessionaires. The chairs are going too close to the water. Captain Dan Kipnis presented a picture of the Fontainebleau and the Eden Roc hotels from the life guard stands to show the chairs so close to the water. Commissioner Grieco said the chairs are not allowed to go passed the back of sight line of the life guards.

Dr. Morris Sunshine, member of the Marine and Waterfront Protection Authority, said the buffer zones have been in existence since 2000, and urged the committee to read the 1982 agreement between the City of Miami Beach and the State of Florida. The agreement makes the City of Miami Beach the trustee of the beach, and requires the public interest to be served first. Dr. Morris Sunshine urged not to accept the administration's draft and to pay attention to the Marine and Waterfront Protection Authority's recommendations. Clotilde Luce, resident of Miami Beach, said the buffer zones have been difficult to enforce because there is a sense of entitlement on the beach. Clotilde Luce said the penalties aren't high enough and is only a slap on the wrist.

Phillip Cohen, treasurer of the board at 1500 Ocean Drive, said that a comment was made earlier in the meeting that the food concessionaires are not serving the public, but that it is a lie regarding his food concessionaire. His concessionaire serves every person that asks to be served. Phillip Cohen said that you cannot only give each unit a half a chair when the average unit has 4 people living in it. It would be anti-resident to not provide chairs. Phillip Cohen said that in the summer when some of the unit holders aren't present, they allow the concessionaire to have a portion of the beach, not by the street entrance, but away from that and they rent a few chairs out. They also clean up the garbage, which is important.

Jean Kulick, Miami Beach resident, said the encroachments are unbelievable down by the Bentley Hilton, where there were chairs get right by the lifeguard stations.

Jesse Carvajal, Manager of Il Villaggio at 1455 Ocean Drive, said he does not believe the concessionaires are privatizing the beach. Jesse Carvajal also wants to make clear that they are not a hotel; they don't have thousands of lounges on the beach. They are a small boutique condominium building, and the food truck outside is the only lifeline for food. The truck is clean; it provides good food at a reasonable price. Jessie, said that he will obviously do whatever the committee says, but he strongly urges them to allow the food truck to stay with conditions. Marissa Amual, representing Quadrum Miami Beach LLC., said Nautilus Hotel is not only serving the hotel guests, but the public at large and they maintain the area. They are requesting at least an extension of the sunset provision. Alex Heckler, on behalf of the Setai Hotel, said there is a food truck in the back of the hotel that the residents and hotel guests use, and would like to keep there. Alex Heckler understands that this is a policy decision and he asked to be grandfathered

in. Also, they are against the buffer zones and that it is a major issue that would be to the detriment of his client.

Commissioner Rosen Gonzalez said that this topic needs to be more complex than what is being proposed from the Marine and Waterfront community and the City, and said there is no one size fits all. Commissioner Rosen Gonzalez said that if there is a problem with operators, there needs to be someone to train them how to work on the beach. Commissioner Rosen Gonzalez addressed Max Sklar and said there needs to be more ashtrays and signage on the beach. In some areas there needs to be distinct buffer zones and some areas decreased buffer zones.

Max Sklar said the regulations were amended about 13 years ago. Commissioner Rosen Gonzalez said at one time it was a family run concession for the locals, but it is not the case today.

Commissioner Steinberg directed her comments to Max Sklar and said that Commissioner Rosen Gonzalez brought up a good point about different parts of the beach having different needs. She asked if the City had conducted an analysis. Max Sklar said that the only challenge is that the sand shifts and the width of the beach shifts on a very regular basis. For example, what applies to the Fontainebleau today, may not apply in a year. Max Sklar asked for direction on this.

Commissioner Grieco said his concern is that he doesn't believe they can look at it just one way, because there are some parts of the beach that are very wide east and west and some parts that are very narrow. There are some areas for several blocks that don't have concessions. Commissioner Grieco believes that we need to look at things almost block by block, concession by concession and then come back with a comprehensive plan. It needs to be a master plan of the beach.

Commissioner Malakoff said that there should be buffer zones and that they should be at the street ends because that is where the public usually goes through to get to the beaches; they usually don't go through hotels to get to the beach. She thinks there should be a clear delineated buffer zone at street ends. Commissioner Malakoff thinks the fees should be higher for concessions, so the city will be making a fair share of the money.

Max Sklar said that the item will be coming to the committee next meeting. The direction from the commission was to wait until SOFNA meets regarding the South Pointe Park item.

Commissioner Malakoff said that there is a request for the fire department to do inspections of the concessions. Also, she asked Max Sklar if there regular health inspections of the concessions. Max Sklar said the health inspections are done by the state. Commissioner Malakoff asked Max Sklar if the concessionaires are required to wear uniforms and name badges, so if they are discourteous they can be reported properly. Max Sklar said yes.

Commissioner Malakoff asked Max Sklar about the watersport concessions. She said it says that it was recommended to allow additional watersport concessions.

Max Sklar said where they would fit; the code has regulations that are included in the

document.

Commissioner Grieco's recommends that everyone on the committee should have a one on one with Max Sklar regarding what they want to see regarding more of a master plan for the entire beach all the way to 87th street. Commissioner Grieco wants to be able to incorporate some of what the administration is recommending, and a good portion of what Captain Kipnis and Dr. Morris Sunshine talked about. He thinks they need to have a couple of meetings on this before they can make a final recommendation. Commissioner Grieco personally needs to hear from the condominiums that have concessions.

Max Sklar said he thinks they need a little more time than the February meeting to come back with the plan. He suggested March. Commissioner Grieco would like to keep it on the February meeting so they will keep talking about it.

Commissioner Rosen Gonzalez requested that when Max Sklar comes back next time in February to propose more ashtrays and increased fines. Max Sklar said if they put more ashtrays out on the beach it is more equipment that needs to be stored or secured. He just wants everyone to be mindful of the amount of equipment. Commissioner Rosen Gonzalez said that maybe if there were more ashtrays they wouldn't have cigarettes all over the beach. Commissioner Steinberg suggested some out of the box thinking in terms of the ashtrays and equipment.

DIRECTION: Meet individually with commissioners. Notify condominiums, especially those that have concessions. Come back to the February NCAC meeting for continued discussion, and in March to finalize.

3. Discussion Regarding A Competition Swimming Pool.

Commission Item C4K, June 10, 2015

(Requested by Commissioner Malakoff)

AFTER-ACTION

John Rebar, Parks and Recreation Director, requested that this item be deferred until the results of the study are out, in April.

Commissioner Grieco requested that Commissioner Malakoff be kept up to date with the progress of this item until then.

DIRECTION: Deferred to the April 2016 NCAC meeting.

4. Discussion Regarding An Innovative Bicycle Parking System.

Commission Item C4D, December 9, 2015

AFTER-ACTION

Jose Gonzalez, Transportation Director, presented this item. Jose Gonzalez said The Transportation Department has been completing a Bicycle Pedestrian Master Plan that will be presented with the Transportation Master Plan in February or March. He explained there are two types of bicycle parking, short term bicycle parking and long term bicycle parking. The City does not long term bicycle parking. Last year, the Transportation Department installed almost 500 bicycle racks throughout the city. The master plan conducted inventory of bicycle parking to see where the bike racks are

needed for short term and long term. Jose Gonzalez said that in September, there was long term bicycle parking presentation made on behalf of Bicibox, a company from Spain. The product would be operated by a user that is registered in the system by tapping open the locker, and parking their bicycle for a fee. The Transportation, Parking & Bicycle-Pedestrian Facilities Committee thought this was a good and asked the transportation department to explore it further.

Commissioner Rosen Gonzalez said that the pictures of the bicycle systems look like bunkers. If Bicibox gave the city one to try, that is fine, but there has to be a better design. She asked if residents had asked for this type of storage for their bikes. Jose Gonzalez said people who bike would prefer something like this storage, which is safe because it is more secure and can store your gear along with your bike. Commissioner Malakoff asked what the cost would be. Jose Gonzalez said the Bicibox model involves sponsors to subsidize some of the costs. Jose Gonzalez said there were employees that work along Lincoln Road Mall that have expressed a desire for bicycle racks in front of their shop or something more secure like a bicycle locker at the street ends.

Commissioner Steinberg said she understands the need for parking spaces for the bicycles, but was not sold on the idea. She said maybe add some more bicycle racks and assess areas that they can go strategically.

Commissioner Grieco said that the City Commission has tried to minimize street furniture and take away parking, in addition to minimizing advertisement in the public right away. The nature of this product seemed to contradict all of that. Commissioner Rosen Gonzalez suggested putting a couple of items on the customer satisfaction survey about this to find out how many people would want to park their bike in a locker or use valet bicycle parking.

Commissioner Steinberg agreed with Commissioner Rosen Gonzalez and wants to know if the reason to do the enclosed racks is for safety purposes. Maybe if there are additional bicycle racks in strategic places to make people feel more comfortable with leaving their bicycles.

NO ACTION TAKEN

5. Discussion Regarding The Proposed Traffic Flow Modification For 42nd Street, Between Prairie Avenue And Pine Tree Drive.

Commission Item C4G, December 9, 2015

AFTER-ACTION

Josiel Ferrer Diaz, Transportation Manager, presented the item. Josiel Ferrer Diaz walked the committee through the 2 step traffic study, and said that in late 2014 an access management study was approved. The most feasible alternative that was found was to divert traffic from the north through 44th street south of Sheridan and go eastbound on 42nd street. They can then make a left and enter the JCC comfortably. One of the issues was that 42nd street was a one way road going west. The Transportation Department conducted a study finding there was no major impact to Pine Tree Drive. It was presented to the County and approved. During this time, Transportation received a recommendation from the Quality of Education committee to take a look at 41st street and Prairie Avenue. They found there was a lot of congestion

mainly due to vehicles wanting to go east. They worked with the county and added 6 seconds to the signal. The most feasible option was to expand the study that was being done for 42nd street and to take it to Prairie Avenue. Josiel Ferrer Diaz also described alternatives.

Commissioner Malakoff asked what trees will be affected. Josiel Ferrer Diaz said 3 matured trees and 2 palm trees in the eastern most block if bicycle lanes were continued to Pine Tree Drive. Commissioner Alemán asked if they are the trees on Royal Palm and 42nd street. Josiel Ferrer Diaz said there are trees on the corner and bushes in the middle. Commissioner Grieco asked if the colleagues are willing to sacrifice the parking in this area to make a protective bike lane. Commissioner Malakoff said she wouldn't mind losing one or 2 spots, but this is 50 percent. Josiel Ferrer Diaz said 7 spaces in eastward side, and 12 on the westward side would be taken out if protected bicycle lanes were added.

Assistant City Manager Kathie Brooks asked Josiel Ferrer Diaz to clarify if the existing bike lane would be maintained. Josiel Ferrer Diaz said there would be, and the department would have to get creative with the bike lanes from Sheridan Avenue to Prairie Avenue.

Commissioner Steinberg said from Sheridan Avenue to Prairie Avenue it is worth looking into the bike lane because of the school. From Pine Tree Drive to Sheridan Avenue it gets more complicated.

Commissioner Grieco said they are losing too many spaces of the right of away with the protected bike lanes in the area. Losing 19 parking spaces on the street is not good. The Transportation Department said can engineer bike lanes on the north side of 42nd street.

Commissioner Alemán said that it is important to have the protected bike lanes by the school since there are kids around.

MOTION: By Commissioner Steinberg to accept the Sheridan Avenue to Pine Tree Drive first alternative, leaving Sheridan Avenue to Prairie for her colleagues to decide. Between now and next commission meeting in February, the Transportation Department should meet with every commissioner and explain choices. Unanimous Approval.

6. Discussion And Update Regarding Efforts Thus Far And The Proposal To Conduct A Traffic Calming Study In The Nautilus Area.

Commission Item R9N, December 9, 2015

AFTER-ACTION

Jose Gonzalez, Transportation Director, and Josiel Ferrer Diaz, Transportation Manager, presented the item. Josiel Ferrer Diaz said the Transportation Department met with the HOA members in the summer to discuss issues such as speeding and cut-through traffic in the Nautilus area. Josiel Diaz said the City approved its own traffic calming manual in 2010 – which separates itself with the standards that the county has, because the county's standards are less urban.

Josiel Ferrer Diaz said that the recommendation to the HOA members was that a neighborhood wide study needed to be conducted, in which the Transportation Department collects data and then proposes appropriate traffic control devices – such as

speed bumps or stop signs.

Commissioner Grieco said the reason there was so much speeding in this area was due to a lack of stop signs. Jose Gonzalez said the Department can call the study to include research on the appropriate traffic control device at any given intersection. Assistant City Manager Kathie Brooks said there was a workshop where the City presented a street design guide that was developed as part of the pedestrian and bicycle master plan. That masterplan has a number of recommended traffic calming techniques, which could be taken into consideration and laid out to the community.

Commissioner Kristen Rosen Gonzalez asked how the City could go about implementing roundabouts. Jose Gonzalez said a study would need to be conducted for this as well and Josiel Ferrer Diaz said it would take approximately 90 days to complete said study. Once the department has a complete neighborhood plan, they would present to either NCAC or Commission for support. Jose Gonzalez said the study was both a City and County requirement. Josiel Ferrer Diaz said HOA members attributed a lack of respect for stop signs as a reason for the issues, so issuing more stop signs would not necessarily imply more compliance.

Michael Bernstein, President of the Nautilus area Homeowner Association, said he often sees that drivers don't slow down for a 3-way or 4-way stop sign. Michael Bernstein believes that these are likely residents of the area.

Jose Gonzalez said the funding for this study would come from the Transportation budget. Assistant Manager Kathie Brooks said the Transportation Department has a rotating list of studies already approved by the Commission, so the Department would not need to seek funding approval. However, NCAC would still need to move this item to Commission so that it can be adopted by the body.

Commissioner Steinberg requested that the study also take a look at the light intersection of Alton Road (southbound) and 43rd street, which backs up traffic and may be a cause of the cut through traffic in the Nautilus area. Commissioner Steinberg also recommended that Police do a blitz, where they constantly ticket a high traffic area, for a week in the Nautilus area.

ACTION: By Commissioner Steinberg to move forward with the study, and send item to Commission. Unanimous Approval.

7. Discussion Regarding Citywide Street Light And Coverage Audit.

*Commission Item C4J, December 9, 2015
(Requested by Commissioner Grieco)*

AFTER-ACTION

Eric Carpenter, Assistant City Manager and Director of Public Works, and Roy Coley, Operations Division Director, presented the item. Eric Carpenter said he contacted a vendor that can drive through the City and provide a photometric analysis of all the streets. Commissioner Grieco asked if this is something that would have to go out to bid or can it be done internally. Eric Carpenter said that it is below the manager's threshold; therefore, his recommendation is to bring in the vendor, City Loom, who would do the analysis for a nominal cost. Eric Carpenter also said the vendor could do a heat map analysis.

Commissioner Grieco said that the City would likely go to a competitive procurement bid process to get a change in the lighting everywhere in the city. Commissioner Grieco asked what Eric Carpenter thinks the turnaround is for the heat map analysis. Roy Coley said that the Department received the proposal draft right before NCAC started. Commissioner Grieco asked for an update by LTC to the commission.

Commissioner Grieco said that he would assume that any RFP or RFQ that goes out would be a full assessment for any bid that comes in. Commissioner Steinberg recommended for this to go out for bid to get the City on a Master Plan for lighting and identify some emergency hotspots. Commissioner Grieco recommended that the heat mapping analysis be approved by the City Manager and then move forward. Commissioner Grieco said Public Works should simultaneously speak to procurement to send it out to bid once the mapping is done.

DIRECTION: By Commissioner Grieco to do the heat mapping analysis and then speak to procurement about getting the RFP out to move forward to do a full lighting of the city.

8. Monthly Crime Statistics Report. (Recurring Item On A Monthly Basis)

*Commission Item R9D, April 13, 2011
(Requested by Commissioner Tobin)*

AFTER-ACTION

Ian Robinson, Police Captain, presented the item. Ian Robinson said the percentages of the Part I crimes were overall down approximately 3-4% in 2015, as compared to 2014. These crimes include robberies and burglaries, etc. Additionally, Ian Robinson said the morning of January 15th there was a fatal accident on Española Way and Collins Avenue. Two federal agents from the Department of Homeland Security were standing at the corner hailing a cab, when a southbound vehicle struck the two agents, and fit them between a pole and Grill Fish. There has since then been a confession from the driver, unfortunately one of federal agents is brain dead. Commissioner Malakoff asked what time this incident occurred. Ian Robinson said 2:10 am. Commissioner Grieco asked if there is any indication of where the young lady was coming from. Ian Robinson said he was not sure, but said she was probably doing about 30-40 miles per hour and was coming from the north going south bound.

Ian Robinson said that immediately after the incident, the Police Department informed the media what happened. According to Ian Robinson, there was a security guard working in an affluent condo off Brickell Avenue when he heard the information on the radio, and was then able to identify the car and the building the driver lived in.

Commissioner Grieco said license plates will be getting run before these people even come into the City to commit crimes, and said the statistic of the crimes will go even further down. He said the police department is doing an amazing job. Ian Robinson also pointed out that he is in charge of the Ocean Drive Clean up initiative. The initiative was started by 24 of the businesses, which are contributing money for Off-Duty Police officers. The initiative is an 8 week pilot project where there will be 8 officers and a sergeant assigned to Ocean Drive.

Commissioner Grieco asked if this program is in addition to the OD squad, and Ian Robinson said it is. The OD squad consists of 5 officers and a sergeant, on at least 2 or

3 golf carts, and they cover most of Lummus Park. Captain Robinson said 2 officers caught a robbery happening in the act last week, as this pilot project started.

NO ACTION TAKEN

9. Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1.

Commission Item C4A, January 13, 2016

(Capital Improvement Projects)

AFTER-ACTION

Humberto Cabanas, CIP Division Director, and Sabrina Baglieri, Senior Capital Projects Coordinator, and Virgilio Fernandez, Fire Chief, presented the item. Virgilio Fernandez said that when he visited Station No. 1 two years ago, it was in need of repair. The parking area for the ladder fire truck sinks, and Virgilio Fernandez said he requested permission from the City Manager to allocate funds to fix up the station. The cosmetic repairs would cost about \$800,000. Before the repairs began, Virgilio Fernandez reassessed the repairs that were needed and brought in a civil and structural engineer from CIP. Their recommendation was to completely replace the fire station.

Commissioner Grieco asked if this replacement of the fire station needed to happen immediately or if there is time. Virgilio Fernandez said that it did not have to happen just yet. However, due to the repairs that are necessary and the recommendation from CIP, the fire department has stopped putting money into the building where repairs would be necessary. Virgilio Fernandez said that if this is going to be delayed then there is work that needs to be done to make the building more livable.

Commissioner Grieco said the Flamingo Park Association should be present when this item is discussed in depth.

Commissioner Malakoff said that when looking for alternative locations, residents do not want to lose a dog park and they don't want to lose parking.

Virgilio Fernandez said the location has to service the area and the lots were selected as options were incongruence with response time and size requirements for the station.

Commissioner Grieco stated that all neighborhoods affected should be notified when this item comes back to NCAC, including Flamingo Park Association and SOFNA.

DIRECTION: Defer to February NCAC meeting and notify affected neighborhoods.

10. Referral To The Neighborhood/Community Affairs Committee - Discuss LTC 001-2016 From The LGBT Advisory Committee Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach.

Commission Item C4G, January 13, 2016

(Sponsored by Vice-Mayor John Elizabeth Alemán)

AFTER-ACTION

Commissioner Alemán said she attended the LGBT Advisory Board Committee meeting earlier that month and found out there was a desire to have a permanent crosswalk

installed at Ocean Drive and 12th street. In addition to the permanent crosswalk, there was also a request for a rainbow street sign topper at that same intersection. Commissioner Alemán said she consulted with City staff who said it would not be feasible to install a permanent crosswalk by the Miami Beach Gay Pride Festival in April. City Staff told Commissioner Alemán that it would be prudent to wait until the City knew what was going to happen in regards to the widening of the sidewalks on Ocean Drive.

Jose Gonzalez said the rainbow street sign topper was already on the way, and would be delivered within two weeks. Jose Gonzalez said installation would take place immediately thereafter and the project should be completed in February.

Commissioner Steinberg addressed Gayle Durham, LGBT Advisory Board member, and informed her that the street sign topper item had already been voted on and the project is moving forward. As far as the permanent rainbow crosswalk item, Commissioner Steinberg said the rainbow crosswalk presently on Ocean Drive could be revamped.

Commissioner Grieco said he would be in favor of getting full brick or stamp pavers for the permanent rainbow crosswalk and asked Jose Gonzalez to keep this in mind after the Ocean Drive sidewalk masterplan was complete.

Commissioner Grieco said that Jose Gonzalez and Eric Carpenter or CIP could come back with recommendations as to what could be done with brick pavers.

Robin Schwartz, LGBT Advisory Board member, requested that the City upkeep the current rainbow crosswalk until the permanent rainbow colored crosswalk is installed. Assistant City Manager Kathie Brooks said she would follow up on that concern. Jose Gonzalez also said he would reach out to public works and Commissioner Grieco requested that this issue be raised higher in Public Works' maintenance list.

DIRECTION: Jose Gonzalez and either Eric Carpenter or CIP to work with the LGBT committee as part of the Ocean Drive Master Plan improvements, including evaluating the use of brick pavers and come back to February NCAC meeting.

11. Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park.

*Commission Item R9E, January 13, 2016
(Sponsored by Commissioner Ricky Arriola)*

AFTER-ACTION

Commissioner Grieco deferred the item, and asked that the item be amended to be renamed as a "Discussion Regarding The Possible Addition Of A Skate Park In North Beach." Commissioner Grieco requested that Dover, Kohl & Partners, the firm that is conceptualizing the North Beach masterplan, be informed that the committee would like to see some possibilities as to where they think an appropriate spot would be for the skate park, as part of their masterplan.

Commissioner Malakoff said Commissioner Arriola had placed this item on the NCAC agenda at the January Commission meeting because he wanted to find out if the City was able to place a skate park into North Shore Open Space Park because it is a passive park. Commissioner Grieco requested someone answer this concern at next month's NCAC meeting. Commissioner Grieco said North Beach residents would have

the opportunity to voice their opinions at the next meeting as well.

DIRECTION: Deferred to February NCAC meeting.

- 12. Discussion On The Flamingo Park Master Plan As It Relates To The Demolition Of The Robert C. Haas Racquetball Building And The Addition Of The Padel Courts.**
Commission Item R9Q, January 13, 2016
(Sponsored by Mayor Phillip Levine)

AFTER-ACTION

Commissioner Grieco deferred the item to the February NCAC meeting.

DIRECTION: Come back to next NCAC meeting.

Meeting adjourned at 5:09 P.M.


JLM/KGB/MTG

C7

RESOLUTIONS

C7

Condensed Title:

A Resolution Authorizing the City Manager or his Designee to Apply for and Accept Four (4) Grants.

Key Intended Outcome Supported:

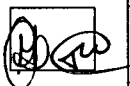
1) – 4) Insist on Police Department accountability and skilled management/leadership.

Supporting Data: 2014 Community Satisfaction Survey/Other data: 1) – 4) When asked how to improve the Quality of Life in Miami Beach "Improve quality of police presence and enforcement" was the fourth highest response.

Item Summary/Recommendation:

A Resolution retroactively approving and authorizing the City Manager or his designee to apply for, accept, appropriate funding (including matching funds and any related expenses) and execute any and all documents or agreements in connection with grants and funding requests from the following sources: 1) Firehouse Subs Public Safety Foundation in the approximate amount of \$20,000; 2) Florida Department of Transportation, Highway Safety Program in the approximate amount of \$425,000; 3) Florida Department of Transportation Motorcycle Safety Program in the approximate amount of \$75,000; 4) Florida Office of the Attorney General, Victims of Crime Act (VOCA) in the approximate amount of \$243,141.

Financial Information:

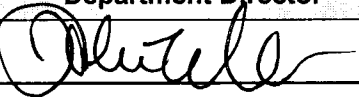
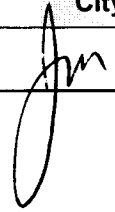
Source of funds	#	Grant Name/Project	Approx. Award	Approximate Match Amount/Source
	1	Firehouse Subs Public Safety Foundation/ Individual Police Officer Kits	\$20,000	N/A
	2	Florida Department of Transportation/ Highway Safety Program	\$425,000	N/A
	3	Florida Department of Transportation/ Motorcycle Safety Program	\$75,000	N/A
	4	Florida Office of the Attorney General, Victims of Crime Act (VOCA)/ Salaries & Operating	\$243,141	\$48,628/ Police Department Operating Budget Acct: 011-1140-000111

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Officer, Office of Budget and Performance Improvement

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, APPROPRIATE FUNDING (INCLUDING MATCHING FUNDS AND ANY RELATED CITY EXPENSES), AND EXECUTE ANY AND ALL DOCUMENTS OR AGREEMENTS IN CONNECTION WITH GRANTS AND FUNDING REQUESTS FROM THE FOLLOWING SOURCES: 1) FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION IN THE APPROXIMATE AMOUNT OF \$20,000; 2) FLORIDA DEPARTMENT OF TRANSPORTATION, HIGHWAY SAFETY PROGRAM IN THE APPROXIMATE AMOUNT OF \$425,000; 3) FLORIDA DEPARTMENT OF TRANSPORTATION MOTORCYCLE SAFETY PROGRAM IN THE APPROXIMATE AMOUNT OF \$75,000; 4) FLORIDA OFFICE OF THE ATTORNEY GENERAL, VICTIMS OF CRIME ACT (VOCA) IN THE APPROXIMATE AMOUNT OF \$243,141.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Approval to submit a grant application to Firehouse Subs Public Safety Foundation, for funding, in the approximate amount of \$20,000 for the purchase of Individual Police Officer Kits

The Firehouse Subs Public Safety Foundation is dedicated to improving the life-saving capabilities of first responders and public safety organizations in communities served by Firehouse Subs by providing funding, resources and support.

The City's proposed funding request, in the amount of approximately \$20,000, is for the purchase of Individual Police Officer Kits. The kits are necessary for emergency first aid and will provide first responders with essential life-saving equipment. This grant does not require matching funds and supports the key intended outcome insist on Police Department accountability and skilled management/leadership.

2. Approval to submit a grant application to the Florida Department of Transportation, Highway Safety Office in the approximate amount of \$425,000, for the FY 2016/17 Impaired Driving Program.

The Florida Department of Transportation Safety Office (FDOT) provides grants that address traffic safety priority areas that include community traffic safety outreach, distracted driving, impaired driving teen driver safety and other priority areas. The Miami Beach Police Department was awarded \$100,000 in Fiscal Year 2015/16 for impaired driving enforcement and intends to request funding to continue this program for a second year.

The grant will increase existing efforts regarding impaired driving and funds would not supplant current funding, but would add to the existing program. The Florida Strategic Highway Safety Plan continues to emphasize impaired driving as a "Continuing Priority" with ongoing high-visibility enforcement campaigns to reduce impaired driving as the primary action. Accordingly, the City will request funding in the approximate amount of \$425,000 to cover overtime salaries, the purchase of a mobile Breath Testing Unit, and a trailer-type vehicle. This grant does not require matching funds and supports the key intended outcome insist on Police Department accountability and skilled management/leadership.

3. Approval to submit a grant application to the Florida Department of Transportation Motorcycle Safety Office in the approximate amount of \$75,000 for the Police Department's Motorcycle Safety Campaign.

Florida Department of Transportation's Highway Safety Program also provides funding for motorcycle safety, with a focus on specialized enforcement, education, training and public information efforts. In addition, the Florida Strategic Highway Safety Plan continues to emphasize motorcycle safety as a "Continuing Priority" with ongoing high-visibility enforcement campaigns to reduce motorcycle crashes as the primary action.

Accordingly, the City intends to apply for funding in the approximate amount of \$75,000 for a Motorcycle Safety Campaign. The Miami Beach Police Department's Motorcycle Safety Campaign will consist of community outreach and education programs for motorcycle/motor scooter riders and retailers. There will also be high-visibility enforcement campaigns in the areas where motorcycle crashes are concentrated. This grant does not require matching funds and supports the key intended outcome insist on Police Department accountability and skilled management/leadership.

4. Approval to submit an application to Florida Office of the Attorney General, Victims of Crime Act (VOCA) in the approximate amount of \$243,141 for Salaries and Operating Expenses.

The Office of the Attorney General provides Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice to support the provision of services to victims of crime.

The City receives these funds annually, and plans to apply for continued funding in the approximate amount of \$243,141 for the Police Department's Victim Advocate Program. This year, the City intends to apply for funding for a new victims advocate position including benefits and the continuation of partial funding for an existing victims advocate position and operating expenses.

The City will provide matching funds in the approximate amount of \$48,628 from the Police Department's operating budget. This grant supports the key intended outcome insist on Police Department accountability and skilled management/leadership.

CONCLUSION

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager, or his designee, to apply for, accept, appropriate funding (including matching funds and any related city expenses), and execute any and all documents or agreements in connection with grants and funding requests from the following sources: 1) Firehouse Subs Public Safety Foundation in the approximate amount of \$20,000; 2) Florida Department of Transportation, Highway Safety Program in the approximate amount of \$425,000; 3) Florida Department Of Transportation Motorcycle Safety Program in the approximate amount of \$75,000; 4) Florida Office of the Attorney General, Victims of Crime Act (VOCA) in the approximate amount of \$243,141.

JLM/JW/JH

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND APPROPRIATE FUNDING (INCLUDING MATCHING FUNDS AND ANY RELATED CITY EXPENSES), AND EXECUTE ANY AND ALL DOCUMENTS OR AGREEMENTS IN CONNECTION WITH GRANTS AND FUNDING REQUESTS FROM THE FOLLOWING SOURCES: 1) FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION, IN THE APPROXIMATE AMOUNT OF \$20,000; 2) FLORIDA DEPARTMENT OF TRANSPORTATION, HIGHWAY SAFETY PROGRAM, IN THE APPROXIMATE AMOUNT OF \$425,000; 3) FLORIDA DEPARTMENT OF TRANSPORTATION MOTORCYCLE SAFETY PROGRAM, IN THE APPROXIMATE AMOUNT OF \$75,000; AND 4) FLORIDA OFFICE OF THE ATTORNEY GENERAL, VICTIMS OF CRIME ACT (VOCA), IN THE APPROXIMATE AMOUNT OF \$243,141.

WHEREAS, the City Administration requests approval to submit an application to Firehouse Subs Public Safety Foundation, in the approximate amount of \$20,000, for emergency equipment, the details of which are as follows:

- Firehouse Subs Public Safety Foundation is dedicated to improving the life-saving capabilities of first responders and public safety organizations in communities served by Firehouse Subs by providing funding, resources and support;
- The City's proposed funding request, in the amount of approximately \$20,000, is for the purchase of Individual Police Officer Kits;
- The kits are necessary for emergency first aid and will provide first responders with essential life-saving equipment; and
- This grant does not require matching funds and supports the key intended outcome insist on Police Department accountability and skilled management/leadership; and

WHEREAS, the City Administration requests approval to submit an application to Florida Department of Transportation Safety Office (FDOT), in the approximate amount of \$425,000, for Highway Safety Program funds, the details of which are as follows:

- The Florida Department of Transportation Safety Office (FDOT) funds grants that address traffic safety priority areas that include community traffic safety outreach, distracted driving, impaired driving teen driver safety and other priority areas;
- The Miami Beach Police Department was awarded \$100,000 in Fiscal Year 2015/16 for impaired driving enforcement and the Police Department intends to request funding to continue this program for a second year;

- The grant will increase existing efforts regarding impaired driving; funds would not supplant current funding, but would add to the existing program;
- The Florida Strategic Highway Safety Plan continues to emphasize impaired driving as a “Continuing Priority” with ongoing high-visibility enforcement campaigns to reduce impaired driving as the primary action. Accordingly, the City will request funding, in the approximate amount of \$425,000, to cover salaries, the purchase of a mobile Breath Testing Unit (BAT Mobile), and a trailer-type vehicle; and
- This grant does not require matching funds and supports the key intended outcome insist on Police Department accountability and skilled management/leadership; and

WHEREAS, the City Administration requests approval to submit an application to Florida Department of Transportation (FDOT), in the approximate amount of \$75,000, for Motorcycle Safety Program funds, the details of which are as follows:

- Florida Department of Transportation’s Highway Safety Program also provides funding for motorcycle safety, with a focus on specialized enforcement, education, training and public information efforts. In addition, the Florida Strategic Highway Safety Plan continues to emphasize motorcycle safety as a “Continuing Priority” with ongoing high-visibility enforcement campaigns to reduce motorcycle crashes as the primary action;
- Accordingly, the City intends to apply for funding, in the approximate amount of \$75,000, for a Motorcycle Safety Campaign;
- The Miami Beach Police Department’s Motorcycle Safety Campaign will consist of community outreach and education programs for riders and motorcycle/motor scooter retailers on the Florida requirements to operate a motorcycle or motor scooter;
- There will also be high-visibility enforcement campaigns in the areas where motorcycle crashes are concentrated; and
- This grant does not require matching funds and supports the key intended outcome insist on Police Department accountability and skilled management/leadership; and

WHEREAS, the City Administration requests approval to submit an application to The Office of the Attorney General, in the approximate amount of \$75,000, for Victims of Crime Act (VOCA) grant funds, the details of which are as follows:

- The Office of the Attorney General provides Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice to support the provision of services to victims of crime;
- The Administration receives these funds annually, and plans to apply for continued funding, in the approximate amount of \$243,141;

- The City intends to apply for funding for a new victims advocate position including benefits, partial funding of an existing victims advocate position and operating expenses; and
- The Police Department will provide matching funds in the approximate amount of \$48,628 from the Police Department's operating budget. This grant supports the key intended outcome insist on Police Department accountability and skilled management/leadership.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH that the Mayor and City Commission hereby approve and authorize the City manager, or his designee, to apply for, accept, appropriate funding (including matching funds and any related city expenses), and execute any and all documents or agreements in connection with grants and funding requests from the following sources: 1) Firehouse Subs Public Safety Foundation, in the approximate amount of \$20,000; 2) Florida Department of Transportation, Highway Safety Program, in the approximate amount of \$425,000; 3) Florida Department Of Transportation Motorcycle Safety Program, in the approximate amount of \$75,000; and 4) Florida Office of the Attorney General, Victims of Crime Act (VOCA), in the approximate amount of \$243,141.

PASSED and ADOPTED this _____ day of _____, 2016.

PHILIP LEVINE, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

JLM/JW/JH

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Rafael Granado 2-2-16

City Attorney SM Date

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO DONATE OR DISCARD, OBSOLETE FIREFIGHTING EQUIPMENT THAT HAS NO COMMERCIAL VALUE AS IT HAS EXCEEDED THE TERM OF USE AUTHORIZED BY THE NATIONAL FIRE PROTECTION ASSOCIATION.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.):

N/A

Item Summary/Recommendation:

National Fire Protection Association (NFPA) requires that Personal Protective Equipment (PPE) be retired 10 years after the date the item is manufactured. This includes helmets, gloves, coats, pants, hoods, and boots. The 10 year retirement requirement is in effect even if the item was never used, as in the case of reserve items. Similarly, NFPA requires that Self-Contained Breathing Apparatus (SCBA) be retired after 15 years. Equipment past its NFPA retirement date cannot be used by Fire Departments in the United States because it is no longer compliant with the NFPA standards. Therefore, the items must be retired from Fire Department equipment inventories.

The equipment listed above has already been replaced by the Fire Department and is currently occupying valuable storage space necessitated by the department. However, Section 2-315(d), of the City Code, requires that donations with a replacement value in excess of \$25,000.00 must be approved by the City Commission. While individually, no item meets this threshold, the aggregate sum of all items, if they were to be replaced today, do exceed the \$25,000 threshold. Therefore, the purpose of this item is to seek the City Commission's approval to donate or discard the obsolete fire equipment.

The Fire Department will attempt to donate the equipment to volunteer fire fighter associations in other countries or training programs, as allowed by law. For example, the Association of Volunteer Firefighters in Brandsen, Argentina, has already approached the department for any available donations. If donors cannot be identified, the Fire Department will discard the obsolete equipment in accordance with all applicable laws.

The City Manager recommends that the Mayor and City Commission approve the Resolution authorizing the Fire Department donate or discard, as appropriate, obsolete firefighting equipment.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	N/A	N/A	N/A
	2			
	Total			

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Alex Denis, Virgilio Fernandez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD  VF 	MT 	JLM 

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO DONATE OR DISCARD, OBSOLETE FIREFIGHTING EQUIPMENT THAT HAS NO COMMERCIAL VALUE AS IT HAS EXCEEDED THE TERM OF USE AUTHORIZED BY THE NATIONAL FIRE PROTECTION ASSOCIATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

National Fire Protection Association (NFPA) requires that Personal Protective Equipment (PPE) be retired 10 years after the date the item is manufactured. This includes helmets, gloves, coats, pants, hoods, and boots. The 10 year retirement requirement is in effect even if the item was never used, as in the case of reserve items. Similarly, NFPA requires that Self-Contained Breathing Apparatus (SCBA) be retired after 15 years. Equipment past its NFPA retirement date cannot be used by Fire Departments in the United States because it is no longer compliant with the NFPA standards. Therefore, the items must be retired from Fire Department equipment inventories. The City of Miami Beach Fire Department currently has the following items which must be retired pursuant to NFPA requirements:

Qty	Unit	Description	Cost of Equipment if New
49	EACH	SCBA Packs	\$3,864.00
140	EACH	SCBA Bottles	\$448.00
200	EACH	SCBA Masks	\$185.00
18	PAIR	Firefighting Bunker Boots (Expired)	\$260.00
47	SET	Firefighting Bunker Gear (Expired)	\$1,900.00
10	EACH	Firefighting Helmets (Expired)	\$260.00
47	PAIR	Firefighting Gloves (Expired)	\$65.00
56	ROLL	Hose (Failed annual hose testing)	\$400.00
7	EACH	Suction Units (Out of date)	\$250.00
6	EACH	Old Medical boxes	\$150.00
2	EACH	Old Wooden Pike Poles	\$300.00
5	EACH	Old ambulance stretchers	\$4,000.00
5	EACH	Old chair stretchers	\$1,500.00

The equipment listed above has already been replaced by the Fire Department and is currently occupying valuable storage space necessitated by the department. However, Section 2-315(d), of the City Code, requires that donations with a replacement value in excess of \$25,000.00 must be approved by the City Commission. While individually, no item meets this threshold, the aggregate sum of all items, if they were to be replaced today, do exceed the \$25,000 threshold. Therefore, the purpose of this item is to seek the City Commission's approval to donate or discard the obsolete fire equipment.

The Fire Department will attempt to donate the equipment to volunteer fire fighter associations in other countries or training programs, as allowed by law. For example, the Association of Volunteer Firefighters in Brandsen, Argentina, has already approached the department for any available donations. If donors cannot be identified, the Fire Department will discard the obsolete equipment in accordance with all applicable laws.

CITY MANAGER RECOMMENDATION

The City Manager recommends that the Mayor and City Commission approve the Resolution authorizing the Fire Department donate or discard, as appropriate, obsolete firefighting equipment.

JLM / VF / AD

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO DONATE OR DISCARD OBSOLETE FIREFIGHTING EQUIPMENT THAT HAS NO COMMERCIAL VALUE AS SUCH EQUIPMENT NO LONGER MEETS NATIONAL FIRE PROTECTION ASSOCIATION AND OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION STANDARDS.

WHEREAS, the National Fire Protection Association (NFPA) requires that Personal Protective Equipment (PPE) used by firefighters be retired 10 years after the date the item is manufactured, including (but not limited to) items such as breathing apparatus, helmets, gloves, coats, pants, hoods, and boots; and

WHEREAS, the Fire Department currently has in inventory outdated firefighting equipment, with a cumulative replacement value in excess of \$25,000, that no longer meets NFPA standards or Occupational Safety and Health Administration (OSHA) safety requirements; and

WHEREAS, the outdated equipment cannot be used by the City's Fire Department or other fire departments in the United States because it is no longer compliant with the NFPA standards and is taking up limited storage space; and

WHEREAS, the donation or discarding of this outdated equipment, which has no commercial value, serves the best interest of the City as it would create needed storage space for firefighting equipment that does meet current national standards; and

WHEREAS, notwithstanding NFPA prohibitions against using the outdated equipment in the United States, the equipment may be of use to other fire departments in other countries that do not have the resources for new equipment and that are not bound by NFPA regulations.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the City Manager, or his designee, to donate the Fire Department's outdated firefighting equipment, in "as is" condition, that no longer meets NFPA and OSHA standards; further authorizing the discarding of any outdated firefighting equipment that cannot be donated or otherwise disposed of pursuant to Section 2-315 of the City Code.

PASSED AND ADOPTED this _____ day of _____ 2016.

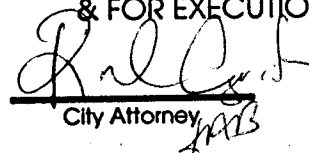
Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-2-16

Date

Condensed Title:

A Resolution Electing Commissioner Micky Steinberg, Group I, As Vice-Mayor, For A Term Commencing On March 1, 2016 And Terminating On June 30, 2016.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

Pursuant to City Charter Section 2.04, the City Commission shall, at its first meeting after each General Election, elect from its membership a Vice-Mayor who during the absence or disability of the Mayor shall perform the duties of Mayor.

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number in the following sequence, Group I, II, III, IV, V and VI.

Based on this direction, the next Vice-Mayor Group is Group I. The term for the next Vice-Mayor is March 1, 2016 through June 30, 2016. Commissioner Micky Steinberg is next in the rotation to serve as Vice-Mayor.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	N/A	N/A	
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Rafael E. Granado, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager
REG	N/A	N/A

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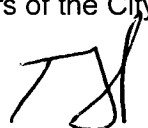
MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Rafael E. Granado, City Clerk



DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER MICKY STEINBERG, GROUP I, AS VICE-MAYOR, FOR A TERM COMMENCING ON MARCH 1, 2016 AND TERMINATING ON JUNE 30, 2016.**

ANALYSIS

Pursuant to City Charter Section 2.04, the City Commission shall, at its first meeting after each General Election, elect from its membership a Vice-Mayor who during the absence or disability of the Mayor shall perform the duties of Mayor.

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number in the following sequence, Group I, II, III, IV, V and VI.

Based on this direction, the next Vice-Mayor Group is Group I. The term for the next Vice-Mayor is March 1, 2016 through June 30, 2016. Commissioner Micky Steinberg is next in the rotation to serve as Vice-Mayor.

REG/lc

T:\AGENDA\2016\February\City Clerk\vice-mayor.cm.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER MICKY STEINBERG, GROUP I, AS VICE-MAYOR, FOR A TERM COMMENCING ON MARCH 1, 2016 AND TERMINATING ON JUNE 30, 2016.

WHEREAS, Pursuant to City Charter Section 2.04, the City Commission shall, at its first meeting after each General Election, elect from its membership a Vice-Mayor who during the absence or disability of the Mayor shall perform the duties of Mayor; and

WHEREAS, the Mayor and City Commission established a policy of rotating the position of Vice-Mayor every four months, and the next Vice-Mayor Group is Group I; and

WHEREAS, the term for the next Vice-Mayor is March 1, 2016 through June 30, 2016, and Commissioner Micky Steinberg is next in the rotation to serve as Vice-Mayor.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, Commissioner Micky Steinberg is hereby elected as Vice-Mayor, for a term commencing on March 1, 2016 and terminating on June 30, 2016.

PASSED and ADOPTED THIS 10th day of February 2016.

ATTEST:

PHILIP LEVINE
MAYOR

RAFAEL E. GRANADO
CITY CLERK

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-20-16

Date

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT, DATED OCTOBER 10, 2014, BETWEEN THE CITY OF MIAMI BEACH AND TYLER TECHNOLOGIES, INC., FOR REPLACING THE CITY'S ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM, TO AMEND THE PROVISIONS REGARDING REPORTING TOOLS, TRAINING, AND PROFESSIONAL SERVICES.

Key Intended Outcome Supported:

Streamline the delivery of services through all departments. Strengthen internal controls to achieve more accountability. Improve building/development-related processes from single family to the large development projects.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

On October 10, 2014, the City Commission approved and authorized the City to execute an Agreement with Tyler Technologies, Inc., to replace the City's current enterprise resource planning ("ERP") system, known as Eden, and Permits Plus, the City's permitting and licensing system (the "Agreement"). The replacement of these systems is a key part of the Administration's goal of re-engineering core business process to maximize efficiencies and service to constituents, as well as improve internal controls.

To facilitate the transition to the new ERP system, the City Manager's ERP Steering Committee meets regularly to receive status updates on the implementation process, mitigate any project risks, and consider any amendments or changes that may be requested by project stakeholders. The latter is critical in maintaining the goal of minimizing system customizations that may increase costs, delay project completion, and create issues for future system updates. At its October 29, 2015 and December 17, 2015 meetings, the Steering Committee made a recommendation to the City Manager to seek to amend the Agreement with Tyler Technologies as follows, in order to maximize the efficiency of the end product, mitigate any implementation risks, and provide the Administration with robust reporting for the oversight and management of operational functions, including:

- a. Add the EnerGov Reporting Toolkit license at a one-time cost of \$4,999, plus maintenance of \$1,000 per year.
- b. Add 26 days of End User Training for the Financial System at a total cost of \$33,150, plus \$10,960 in travel costs, for a total cost of \$44,110.
- c. Add professional services to support the User Acceptance Testing for the EnerGov Permitting/Licensing system, at a cost of \$74,800 plus \$25,500 in travel costs, for a total cost of \$100,300.

The City Manager, after considering the recommendations of the ERP Steering Committee, recommends that the Mayor and City Commission approve the Resolution and Amendment to the Agreement, to add the EnerGov Reporting Toolkit, End User Training for the Financial System, and Professional Services to support the User Acceptance Testing phase, as noted herein.

RECOMMENDATION

Approve the Resolution and Amendment

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account
1	\$0.00	This item has no impact on the project funding, since no additional dollars are being added. Any adjustments came from the contingency built into the contract.

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Ariel Sosa, ext. 7040 or Mark Taxis, ext. 6829

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AS  AD 	M 	JLM 

T:\AGENDA\2016\February\Information Technology\Tyler Amendment 3 SUMMARY.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT, DATED OCTOBER 10, 2014, BETWEEN THE CITY OF MIAMI BEACH AND TYLER TECHNOLOGIES, INC., FOR REPLACING THE CITY'S ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM, TO AMEND THE PROVISIONS REGARDING REPORTING TOOLS, TRAINING, AND PROFESSIONAL SERVICES.**

FUNDING

This Amendment will not require an increase in funding for the project. Any adjustments will be deducted from the contingency amount approved by the City Commission in the original Agreement.

BACKGROUND

On October 10, 2014, the City Commission approved and authorized the City to execute an Agreement with Tyler Technologies, Inc., to replace the City's current enterprise resource planning ("ERP") system, known as Eden, and Permits Plus, the City's permitting and licensing system (the "Agreement"). The replacement of these systems is a key part of the Administration's goal of re-engineering core business process to maximize efficiencies and service to constituents, as well as improve internal controls.

On September 2, 2015, the City Commission approved Amendment No. 1 to the Agreement with Tyler Technologies, Inc., to modify the ERP System 'Go-Live' Dates as follows:

- a. Phase 1 – Financials: changed from October 1, 2015 to April 1, 2016.
- b. Phase 2 – EnerGov: changed from December 1, 2015 to April 1, 2016.
- c. Phase 3 – HR/Payroll: changed from July 1, 2016 to January 1, 2017.
- d. Phase 4 – Utility Billing and Revenue: changed from July 1, 2017 to January 1, 2018

On October 14, 2015, the City Commission approved Amendment No. 2 to the Agreement, to amend provisions regarding project management services, software licenses for mobile devices, and the allowable hours for the development of custom reports.

The Agreement approved by the City Commission did not include provisions for the following:

1. Reporting Toolkit for the Permitting/Licensing system for the development of custom reports by system administrators.
2. End User Training for the Financial System.
3. Professional Services hours to support the User Acceptance Testing for the Permitting/Licensing system.

To facilitate the transition to the new ERP system, the City Manager's ERP Steering Committee meets regularly to receive status updates on the implementation process, mitigate any project risks, and consider any amendments or changes that may be requested by project stakeholders. The latter is critical in maintaining the goal of minimizing system customizations that may increase costs, delay project completion, and create issues for future system updates. At its October 29, 2015 and December 17, 2015 meetings, the Steering Committee made a recommendation to the City Manager to seek to amend the Agreement with Tyler Technologies as follows, in order to maximize the efficiency of the end product, mitigate any implementation risks, and provide the Administration with robust reporting for the oversight and management of operational functions:

1. EnerGov Reporting Toolkit. Currently, the Agreement does not provide the City with an EnerGov Reporting Toolkit license. This toolkit is a piece of software that facilitates report development for the Permitting/Licensing system. This toolkit will allow EnerGov System Administrators to develop custom reports. The Steering Committee recommends purchasing this toolkit, at a total cost of \$4,999, plus maintenance of \$1,000 per year.
2. End User Training. Currently, the Agreement does not provide for End User Training for the Financial System. The end user training approach proposed in the contract was on a "Train the Trainer" basis, meaning that End User training would be the responsibility of the City's subject matter experts identified and trained by Tyler during the configuration phase of the system. After analyzing the training needs of City staff and the limited availability of subject matter experts to train the system's end users, it was determined that the City would require 26 days of training, to be performed by the vendor on City premises. The Steering Committee recommends the addition of End User Training for the Financial System at a cost of \$33,150, plus \$10,960 in travel costs, for a total cost of \$44,110.
3. Professional Services. Currently, the agreement does not provide for Tyler's professional services to support User Acceptance Testing for the EnerGov Permitting/Licensing system. After analyzing the City's needs during the User Acceptance testing phase, the Steering Committee recommends the addition of professional services to support City staff during the User Acceptance Testing phase at a cost of \$74,800, plus \$25,500 in travel costs, for a total cost of \$100,300.

As a result, the City's ERP Steering Committee recommends adding the following terms to the Agreement:

- a. Add the EnerGov Reporting Toolkit license at a one-time cost of \$4,999, plus maintenance of \$1,000 per year.
- b. Add 26 days of End User Training for the Financial System at a total cost of \$33,150, plus \$10,960 in travel costs, for a total cost of \$44,110.
- c. Add professional services to support the User Acceptance Testing for the EnerGov Permitting/Licensing system, at a cost of \$74,800 plus \$25,500 in travel costs, for a total cost of \$100,300.

CITY MANAGER'S RECOMMENDATION

The City Manager, after considering the recommendations of the ERP Steering Committee, recommends that the Mayor and City Commission approve the Resolution and Amendment to the Agreement, to add the EnerGov Reporting Toolkit, End User Training for the Financial System, and Professional Services to support the User Acceptance Testing phase, as noted herein. Once again, this amendment has no impact on the City's total funding for the project, because the contingency funds approved by the Mayor and City Commission in the original Agreement will cover the additional costs contemplated herein.

JLM/MT/AD/AS/AZ/MG

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT, DATED OCTOBER 10, 2014, BETWEEN THE CITY OF MIAMI BEACH AND TYLER TECHNOLOGIES INC., FOR REPLACING THE CITY'S ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM, TO AMEND THE PROVISIONS REGARDING REPORTING TOOLS, TRAINING, AND PROFESSIONAL SERVICES.

WHEREAS, on October 10, 2014, the Mayor and City Commission approved an agreement with Tyler Technologies, Inc., to replace the City's current enterprise resource planning ("ERP") system, known as Eden, and the City's current permitting system, known as Permits Plus (the "Agreement"); and

WHEREAS, the replacement of these systems is a key component of the Administration's goal of re-engineering core business processes to maximize efficiencies and service to constituents, as well as to improve internal controls; and

WHEREAS, the City Manager has appointed an ERP Steering Committee (the "Steering Committee") to receive status updates on the implementation process, mitigate any project risks, and evaluate any amendments or changes that may be requested by project stakeholders; and

WHEREAS, on September 2, 2015, the Mayor and City Commission adopted Resolution No. 2015-29110, which approved and authorized the City to execute Amendment No. 1 to the Agreement, to modify the "go-live" dates set forth in the Agreement; and

WHEREAS, on October 14, 2015, the Mayor and City Commission adopted Resolution No. 2015-29159, which approved and authorized the City to execute Amendment No. 2 to the Agreement, to amend the provisions regarding mobile software licenses, project management services, and the allowable hours for custom reports; and

WHEREAS, the Steering Committee, at its meeting on October 29, 2015, determined that the EnerGov Reporting Toolkit is necessary for the City's system administrators to develop custom reports, and recommended that the City amend the Agreement to include a license for the EnerGov Reporting Toolkit; and

WHEREAS, the Steering Committee, at its meeting on December 17, 2015, determined that, in order to ensure the efficient implementation of the new systems, the City should amend the Agreement to provide that Tyler Technologies shall conduct End User Training for City staff for the Financial System; and

WHEREAS, the Steering Committee also determined that it is necessary to amend the Agreement to provide for the professional services of Tyler Technologies to support the User Acceptance Testing of the Permitting/Licensing system.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute Amendment No. 3 to the Agreement, dated October 10, 2014, between the City of Miami Beach and Tyler Technologies, Inc., to amend the provisions regarding reporting tools, end user training, and professional services.

PASSED and ADOPTED this _____ day of February, 2016.

ATTESTED BY:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-28-16

Date

NK

**AMENDMENT NO. 3
TO THE AGREEMENT, DATED OCTOBER 10, 2014, BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA AND TYLER TECHNOLOGIES, INC.
FOR THE IMPLEMENTATION OF THE MUNIS AND ENERGOV SYSTEMS**

This Amendment No. 3 ("Amendment") to the Agreement is entered into this ____ day of _____, 2016 ("Effective Date"), by and between the City of Miami Beach, Florida, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("City"), and Tyler Technologies, Inc., a Delaware corporation having its principal place of business at One Tyler Drive, Yarmouth, Maine 04096 ("Tyler").

This Amendment hereby amends the Agreement as follows:

RECITALS

WHEREAS, on October 10, 2014, the Mayor and City Commission approved an agreement with Tyler Technologies, Inc., to replace the City's current enterprise resource planning ("ERP") system, known as Eden, with the Munis system, and to replace the City's current permitting system, known as Permits Plus, with the EnerGov system (the "Agreement"); and

WHEREAS, the City has determined that the replacement of these systems is a key component of the Administration's goal of re-engineering core business process to maximize efficiencies and service to constituents, as well as improve internal controls; and

WHEREAS, the City Manager has appointed an ERP Steering Committee (the "Steering Committee") to receive status updates on the implementation process, mitigate any project risks, and evaluate any amendments or changes that may be requested by project stakeholders; and

WHEREAS, on September 2, 2015, the Mayor and City Commission adopted Resolution No. 2015-29110, which approved and authorized the City to execute Amendment No. 1 to the Agreement, to modify the "go-live" dates set forth in the Agreement; and

WHEREAS, on October 14, 2015, the Mayor and City Commission adopted Resolution No. 2015-29159, which approved and authorized the City to execute Amendment No. 2 to the Agreement, to amend the provisions regarding mobile software licenses, project management services, and the allowable hours for custom reports; and

WHEREAS, the Steering Committee, at its meeting on October 29, 2015, determined that the EnerGov Reporting Toolkit is necessary for the City's system administrators to develop custom reports, and recommended that the City amend the Agreement to include a license for the EnerGov Reporting Toolkit; and

WHEREAS, the Steering Committee, at its meeting on December 17, 2015, determined that, in order to ensure the efficient implementation of the new systems, the City should amend the Agreement to provide that Tyler Technologies shall conduct End User Training for City staff for the Financial System; and

WHEREAS, the Steering Committee also determined that it is necessary to amend the Agreement to provide for the professional services of Tyler Technologies to support the User Acceptance Testing of the Permitting/Licensing system.

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Tyler hereby agree to amend the Agreement as follows:

1. ABOVE RECITALS.

To the knowledge of each party hereto, the above recitals are true and correct and are incorporated as part of this Amendment.

2. MODIFICATIONS.

The Agreement, as modified by Amendment Nos. 1 and 2, is further modified as follows:

a. EnerGov Reporting Toolkit

The Agreement, at Exhibit A2 ("EnerGov Investment Summary"), is hereby amended as follows:

A line item for "EnerGov Reporting Toolkit" with a software license fee of \$4,999.00, and an annual support/maintenance fee equal to \$1,000.00 per year, is hereby added.

The software license fee and first year annual support/maintenance fees for the EnerGov Reporting Toolkit are due and payable on the date when Tyler makes the EnerGov Reporting Toolkit available to the City for download.

b. End User Training

Exhibit A1 to the Agreement, entitled "Munis Investment Summary," is hereby amended as follows:

A line item for "Munis End User Training" with twenty-six (26) Implementation Days, at a rate of \$1,275.00 per Implementation Day, for a total of \$33,150.00, is hereby added.

A line item for "Munis End User Training Travel Expenses" with 1 unit of Munis End User Training Travel Expenses, at an estimated rate of \$10,960.00/unit, for an estimated total of \$10,960.00, is hereby added.

c. Professional Services

The Agreement, at the EnerGov Investment Summary, is hereby amended as follows:

A line item for "EnerGov User Acceptance Testing Support" with 440 hours of Professional Implementation Services, at a rate of \$170.00/hour, for a total of \$74,800.00, is hereby added.

A line item for "EnerGov User Acceptance Testing Support Travel Expenses" with an estimated 15 trips for Airfare, Lodging, Ground Transportation, and Per Diem at an estimated rate of \$1,700.00/trip, for an estimated total of \$25,500.00, is hereby added.

3. **RATIFICATION.**

Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect. In the event there is a conflict between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall govern

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

FOR CITY:

ATTEST:

By:

Rafael E. Granado
City Clerk

Philip Levine
Mayor

Date

Date

FOR TYLER:

ATTEST:

By:

Print Name/Title

Date

Print Name/Title

Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2/1/16

Date

NK

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The School Board Of Miami-Dade County, Florida ("M-DCPS"), For Use Of The Parking Lot At Miami Beach Senior High School To Provide Additional Parking For Events Taking Place At The Miami Beach Convention Center, For An Initial Term Of One (1) Year, With Two (2) One-Year Renewal Options, At The Mutual Discretion Of The City Manager And M-DCPS.

Key Intended Outcome Supported:

Improve Alliance with Key Business Sectors, Namely Hospitality, Arts, & International Business with a Focus on Enhanced Culture, Entertainment, & Tourism, Achieve Educational (K-12) Excellence, and Ensure Comprehensive Mobility Addressing All Modes Throughout The City

Supporting Data (Surveys, Environmental Scan, etc.):

P-Lot parking space decrease of 800 spaces due to convention center construction

Item Summary/Recommendation:

The Miami Beach Convention Center Renovation and Expansion Project ("Project") has commenced, resulting in a temporary decrease in the 800+ public parking spaces at the "P-lot" due to construction staging requirements. During construction of the Project, the Miami Beach Convention Center will continue to host events throughout the 2016, 2017, and 2018 calendar years, and such events require public parking access. Access to the parking lot at Miami Beach Senior High School after-school hours and weekends will increase public parking in the vicinity of the Convention Center by approximately 300 spaces, and thereby reduce the temporary parking impacts associated with the Project. The City submitted an Application for Temporary Use of School Building Facilities of the Miami Dade County Public Schools – Temporary Use Agreement FM-0117 for one (1) year and M-DCPS will allow for access to the Miami Beach Senior High School parking lot on requested dates, for an hourly fee between \$100 and \$150 per hour, depending on the dates requested. The City's Parking Department will administer the City's use of the Miami Beach Senior High School parking lot, and will charge the general public the same municipal parking special event rates that previously applied at the P-lot. The City will request permission from M-DCPS to connect the bus loop to the parking lot area in order to reduce the impact of traffic on Prairie Avenue at a cost not to exceed \$25,000. Proceeds generated by the City's use of the parking lot, net of all of the City's parking costs and user fees payable to M-DCPS, will be applied to support Education Compact-related programs at public schools located within the City of Miami Beach, with any such proceeds to be allocated proportionately to each City public school based on each school's full-time equivalent student attendance, and used for the benefit of Education Compact programs within the City. Agreement with the School Board of Miami-Dade County for an initial term of one (1) year, with two (2) one-year renewal options, at the mutual discretion of the City Manager and M-DCPS.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
	1	\$	
Parking	Total	\$	

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Dr. Leslie Rosenfeld

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	KGB 	JLM 

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA ("M-DCPS"), FOR USE OF THE PARKING LOT AT MIAMI BEACH SENIOR HIGH SCHOOL TO PROVIDE ADDITIONAL PARKING FOR EVENTS TAKING PLACE AT THE MIAMI BEACH CONVENTION CENTER, FOR AN INITIAL TERM OF ONE (1) YEAR, WITH TWO (2) ONE-YEAR RENEWAL OPTIONS, AT THE MUTUAL DISCRETION OF THE CITY MANAGER AND M-DCPS**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

KEY INTENDED OUTCOME SUPPORTED

Improve Alliance with Key Business Sectors, Namely Hospitality, Arts, & International Business with a Focus on Enhanced Culture, Entertainment, & Tourism and Achieve Educational (K-12) Excellence and Ensure Comprehensive Mobility Addressing All Modes throughout the City

BACKGROUND

Since the Education Compact implementation on January 16, 2008, the City of Miami Beach has collaborated with Miami-Dade County Public School (M-DCPS) to improve educational opportunities for youth. The Miami Beach Convention Center Renovation and Expansion Project ("Project") has commenced, resulting in a temporary decrease in the 800+ public parking spaces at the "P-lot" due to construction staging requirements. The Miami Beach Convention Center will nevertheless continue to host events throughout the 2016, 2017, and 2018 calendar years, and such events require public parking access. Access to the parking lot at Miami Beach Senior High School after-school hours and weekends will increase public parking in the vicinity of the Convention Center by approximately 300 spaces, and thereby reduce the temporary parking impacts associated with the Project.

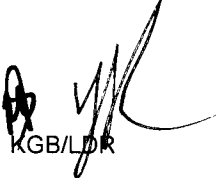
The City has submitted an Application for Temporary Use of School Building Facilities of the Miami Dade County Public Schools – Temporary Use Agreement FM-0117 for one (1) year. M-DCPS will allow for access to the Miami Beach Senior High School parking lot on requested dates, for an hourly fee between \$100 and \$150 per hour, depending on the dates requested. The City's Parking Department will administer the City's use of the Miami Beach Senior High School parking lot, and will charge the general public the same municipal parking special event rates that previously applied at the P-lot. The City

will request permission from M-DCPS to connect the bus loop to the parking lot area in order to reduce the impact of traffic on Prairie Avenue at a cost not to exceed \$25,000.

The proceeds generated by the City's use of the parking lot, net of all of the City's parking costs and user fees payable to the M-DCPS, will be applied to support Education Compact-related programs at public schools located within the City of Miami Beach, with any such proceeds to be allocated proportionately to each public school based on each school's full-time equivalent student attendance, and used for the benefit of Education Compact programs within the City.

CONCLUSION

The Administration recommends the approval of this Resolution. This approval will assist the City Manager's Office and Office of Organization Development Performance Initiatives in accomplishing its measurable objectives linked to the City's Key Intended Outcome to Improve Alliance with Key Business Sectors, Namely Hospitality, Arts, & International Business with a Focus on Enhanced Culture, Entertainment, & Tourism and Achieve Educational (K-12) Excellence.


KGB/LDR

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA ("M-DCPS"), FOR USE OF THE PARKING LOT AT MIAMI BEACH SENIOR HIGH SCHOOL TO PROVIDE ADDITIONAL PARKING FOR EVENTS TAKING PLACE AT THE MIAMI BEACH CONVENTION CENTER, FOR AN INITIAL TERM OF ONE (1) YEAR, WITH TWO (2) ONE-YEAR RENEWAL OPTIONS, AT THE MUTUAL DISCRETION OF THE CITY MANAGER AND M-DCPS.

WHEREAS, since the Education Compact implementation on January 16, 2008, the City of Miami Beach has collaborated with the M-DCPS to improve educational opportunities for youth; and

WHEREAS, the Miami Beach Convention Center Renovation and Expansion Project ("Project") has commenced, resulting in a temporary decrease in the 800+ public parking spaces at the "P-lot" due to construction staging requirements; and

WHEREAS, during construction of the Project, the Miami Beach Convention Center will nevertheless continue to host events throughout the 2016, 2017, and 2018 calendar years, and such events require public parking access; and

WHEREAS, access to the parking lot at Miami Beach Senior High School after-school hours and weekends will increase public parking in the vicinity of the Convention Center by approximately 300 spaces, and thereby reduce the temporary parking impacts associated with the Project; and

WHEREAS, the City has submitted an Application for Temporary Use of School Building Facilities of the Miami Dade County Public Schools – Temporary Use Agreement FM-0117 for one (1) year; and

WHEREAS, the M-DCPS will allow for access to the Miami Beach Senior High School parking lot on requested dates, for an hourly fee between \$100 and \$150 per hour, depending on the dates requested; and

WHEREAS, the City's Parking Department will administer the City's use of the Miami Beach Senior High School parking lot, and will charge the general public the same municipal parking special event rates that previously applied at the P-lot; and

WHEREAS, the City will request permission from M-DCPS to connect the bus loop to the parking lot area in order to reduce the impact of traffic on Prairie Avenue, for a cost not-to-exceed \$25,000; and

WHEREAS, the proceeds generated by the City's use of the parking lot, net of all of the City's costs and user fees payable to the M-DCPS, will be applied to support Education Compact-related programs at public schools located within the City of Miami Beach, with any such proceeds to be allocated proportionately to each public school based on each school's full-time equivalent student attendance, and used for the benefit of Education Compact programs within the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve and authorize the City Manager and City Clerk to execute an agreement with the School Board of Miami-Dade County, Florida, for use of the parking lot at Miami Beach Senior High School to provide additional parking for events taking place at the Miami Beach Convention Center, for an initial term of one (1) year, with two (2) one-year renewal options, at the mutual discretion of the City Manager and M-DCPS .

PASSED AND ADOPTED this ____ day of February 2016.

ATTEST:

Philip Levine, Mayor

Rafael Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 1-20-16
City Attorney RAP Date

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE CITY MANAGER, AND/OR HIS DESIGNEE, AND CITY CLERK TO EXECUTE A CONTRACT TO BE PREPARED BY THE CITY ATTORNEY, AND ANY AMENDMENTS OR ADJUSTMENTS AS TO SCOPE AND CONTENT, WITH POTENTIAL TRAINEES FOR THE MIAMI BEACH POLICE DEPARTMENT PILOT PROGRAM TO ATTRACT POLICE OFFICERS WITH NO PRIOR LAW ENFORCEMENT EXPERIENCE, BUT WHO MEET NEWLY APPROVED MINIMUM STANDARDS, INCLUDING HAVING ATTAINED TWENTY-ONE YEARS OF AGE AT THE TIME OF APPLICATION AND ACQUIRED A BACHELOR'S DEGREE PRIOR TO HIRING, AS NOTIFIED TO THE MAYOR AND CITY COMMISSION THROUGH LETTER TO COMMISSION 385-2015 DATED SEPTEMBER 28th, 2015.

Key Intended Outcome Supported:

Insist on Police Department accountability and skilled management/leadership.

Supporting Data (Surveys, Environmental Scan, etc.):

N/A

Item Summary/Recommendation:

The MBPD proposes to change its hiring and training processes in order to blend the benefits of previous hiring methods whilst eliminating the drawbacks. The project will require sponsored recruits to pay for their academy expenses, with the agreement that upon successful completion they will be offered probationary employment as police officers and be reimbursed their tuition and associated costs. They will receive no salary or benefits until they are hired as probationary employees. The proposal will enable the MBPD to provide career development opportunities to a diverse group of interested parties, and train them in policing methods appropriate to the unique environment of the City. Essential to achieving the project's goal is the contract that potential recruits will sign prior to commencement of their studies. It is recommended that the Resolution be adopted.

Advisory Board Recommendation:

Personnel Board formally approved the revised description for a police officer trainee on September 25, 2015.

Financial Information:

Source of Funds:		Amount	Account
	1	N/A	
	2		
	3		
OBPI	Total		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Chief of Staff Wendy Rich-Goldschmidt ext. 3054

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Chief Daniel J. Oates 		

JLM;DJO;DW

T:\agenda\2016\FEBRUARY\POLICEDEPARTMENT\Com_item_sumOfficerRecruitmentContract

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE CITY MANAGER, AND/OR HIS DESIGNEE, AND CITY CLERK TO EXECUTE A CONTRACT TO BE PREPARED BY THE CITY ATTORNEY, AND ANY AMENDMENTS OR ADJUSTMENTS AS TO SCOPE AND CONTENT, WITH POTENTIAL TRAINEES FOR THE MIAMI BEACH POLICE DEPARTMENT PILOT PROGRAM TO ATTRACT POLICE OFFICERS WITH NO PRIOR LAW ENFORCEMENT EXPERIENCE, BUT WHO MEET NEWLY APPROVED MINIMUM STANDARDS, INCLUDING HAVING ATTAINED TWENTY-ONE YEARS OF AGE AT THE TIME OF APPLICATION AND ACQUIRED A BACHELOR'S DEGREE PRIOR TO HIRING, AS NOTIFIED TO THE MAYOR AND CITY COMMISSION THROUGH LETTER TO COMMISSION 385-2015 DATED SEPTEMBER 28th, 2015.**

ADMINISTRATION RECOMMENDATION

The Resolution is adopted.

HISTORY / BACKGROUND

For nearly ten years, the Miami Beach Police Department (MBPD) has hired only trained and certified officers. 'Trained and certified' in this context means an individual who, at minimum, has successfully passed all requirements of the police academy and subsequent field training. In a minority of cases, applicants are hired having successfully passed the Florida Department of Law Enforcement's (FDLE's) equivalency examination (applicable when the individual is a certified officer in another state and wishes to become an officer in Florida). The current hiring system is a low cost option, however when officers are hired they are relatively indoctrinated in key aspects of policing. The City of Miami Beach has a very transient community that requires a different style of policing. There are challenges in 'retraining' officers who have worked in other agencies and have been trained to follow the agencies' standard operating procedures, which may be very different from those in Miami Beach.

Over a decade ago, the MBPD recruited potential officers, hired them as police officer trainees and paid their wages while they attended the police academy. This option gave the MBPD an opportunity to train newly hired officers in policing

methods and skills more pertinent to the communities they serve; however it was a high cost option. The police academy course is currently 22 weeks in duration and consists of 16 modules. The overall cost per student, at today's cost, is approximately \$27,000 (wages \$20,000 and course fees \$7000).

The MBPD proposes a pilot project that will blend the benefits of previous hiring methods while eliminating the drawbacks. The project will involve the MBPD sponsoring a select group of individuals who will attend the police academy. This partnership will require the sponsored candidate to pay his/her own academy expenses, with the agreement that upon successful completion the individual will be offered probationary employment as a police officer and be reimbursed their tuition and other associated costs (approximately \$8000 per student in total). The individual will receive no salary or benefits until he/she is hired as a probationary employee. All candidates will complete a thorough background check prior to sponsorship.

MBPD proposed changes to the job description, changing minimum requirements, that the Personnel Board approved on September 25, 2015. Changes to the minimum requirements include that the applicant must be at least 21 years-of-age at time of employment and possess a four-year college degree, awarded prior to their hiring. In the case of certified officers only, the four-year college degree requirement may be substituted for three years military service with an honorable discharge.

The benefits to the new approach to recruitment and training include:

- An opportunity to develop and shape inexperienced candidates who may have otherwise not considered a career in law enforcement, and those who are particularly interested in working for the MBPD. These elements are critical to the pilot program as the MBPD will be able to monitor and guide the students' and subsequent new officers' exposure to attitudes or behaviors that are consistent with MBPD expectations. Furthermore, the candidates will be supported by a training program that consistently models specific best practices in policing.
- The potential to employ individuals who are more mature as a result of their life experience and exposure to people from across the demographic spectrum. These individuals will also have demonstrated a high level of commitment to their personal learning and academic achievement.
- A more cost effective approach.
- The ability to attract and hire a more diverse pool of potential police officers.

If the pilot is successful the MBPD will consider adopting this career development process for all prospective police officers.

In order to commence recruitment for the first group of candidates for the pilot program it will be necessary to develop a contract binding to all parties. Clearly, the contract will need to cover all contingencies to ensure both fairness and the efficient use of tax dollars. The proposed key elements of the contract are:

- 1 The term 'tuition and other associated costs' will be clearly defined and reimbursement will be subject to successful completion of the academy and state examination.
- 2 A maximum time limit will be set between execution of the contract and completion of the academy and state examination.
- 3 Students will not be eligible to become City of Miami Beach employees until such time as they commence their duties as police officers. This will be upon completion of all requirements related to hiring, training and certification.
- 4 Any probationary officer who participated in the pilot program will be required to pay back to the City any reimbursement received towards their tuition fees, if they leave employment, or are terminated, for any reason, before the end of their probationary period (18 months from date of hire).

FISCAL IMPACT:

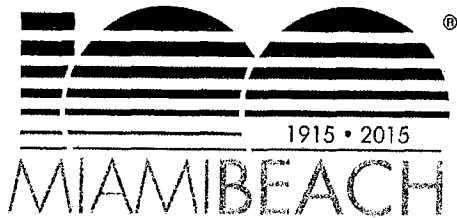
There is no financial impact as the MBPD has \$120,000 set aside in the budget for auxiliary officers. The maximum cost would be \$80,000 this fiscal year.

CONCLUSION

The project, if successful, will yield significant benefits in terms of the quality of policing. Essential to the pilot program, and perhaps future hiring and selection processes, will be the development of a robust contract. It is therefore recommended that authority is given to craft and implement the new contract.


JLM/DJO/DW

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OFFICE OF THE CITY MANAGER

NO. LTC# 385-2015

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 28, 2015

SUBJECT: **New Hiring Standards for Candidates Seeking Employment as Police Officers in Miami Beach**

This Letter to the Mayor and City Commission is to provide an update on the new hiring standards for candidates seeking employment as police officers in the City of Miami Beach.

On September 25, with the support and advocacy of the Police Chief, Human Resources Director, and City Manager, the Personnel Board unanimously passed two significant changes to the standards for police officer appointment in the Miami Beach Police Department. These two changes were the increase in the minimum age for appointment, from 19 to 21 years of age, and the imposition of a four-year college degree requirement. For the first time in 10 years, the Department is also planning to hire an entire 10-person class of candidates with no prior police experience, another significant change in its hiring model.

The Miami Beach Police Department (MBPD) has, for over a decade, hired only trained and certified officers. These have been individuals who have successfully passed all requirements of a Florida police academy and are already licensed by the state to be employed as police officers. Most of these candidates have been "lateral" candidates, or experienced police officers working in other agencies in Florida. In a small number of cases, the applicants have come from outside the state but have successfully passed the Florida Department of Law Enforcement's (FDLE's) equivalency examination (applicable when the individual is a certified officer in another state and wishes to become an officer in Florida).

The current hiring system has saved money for the Department, as the persons hired have already been academy trained either at their own expense or while on the payroll of another department. The disadvantage has been that these officers come from other agencies that have varying policing models, approaches, training and cultures that are different than what may be required or most suitable for Miami Beach. There are challenges in retraining these already certified and experienced officers. While the

majority of these officers have performed well, there have been some breakdowns and performance failures that have led to serious discipline, terminations and embarrassment to the Department.

With these issues in mind, the Miami Beach Police Department was intent on pursuing higher standards for admission to the Department. In addition, the Department planned to pilot a new hiring program in the FY 15-16 in which 10 recruits with no prior law enforcement experience would be hired and trained as a group. The Department is also hopeful that these changes, combined with an aggressive new recruiting campaign, will further improve the diversity of the Department.

Over a decade ago, the MBPD recruited potential officers and paid their wages while they attended the police academy. This option gave the MBPD the opportunity to train newly hired officers in the policing methods and skills most pertinent to our community. However, it was, and still would be, a high-cost option. The police academy course is currently 22 weeks in duration and consists of 16 modules. The overall cost per student is approximately \$26,000 – this consists of wages (\$20,000) and course fees (\$6,000).

Instead, the MBPD will run a pilot project in FY 15-16 that will blend the benefits of precious hiring methods while avoiding some of the cost of the earlier model. The project will involve the MBPD sponsoring 10 individuals to attend the police academy together, with an experienced MBPD police officer as their teaching assistant/mentor. This partnership will require the sponsored recruit to pay for his/her own academy expenses, with the city's agreement that upon successful completion, the individual will be offered probationary employment as a police officer. The individual will receive no salary or benefits until he/she is hired as a probationary employee. However, once hired, the recruit will also be reimbursed for his/her cost to attend the academy, approximately \$6,000. All candidates will complete a thorough background check prior to being selected and placed into the academy.

As part of this new hiring process the MBPD proposed to the Personnel Board on September 25 that it approve new minimum criteria for the selection of candidates. The first will be that an applicant must be at least 21 years-of-age at time of employment, an increase in the current minimum age requirement of 19 years of age. The second will be that an applicant must possess a four-year college degree to be appointed as a police trainee. If being appointed as an already certified officer, the candidate must have a four-year college degree or have three years military service with an honorable discharge (or both). The Personnel Board approved these changes unanimously.

The benefits to the new approach to recruitment and training include:

- The ability to attract and hire a more diverse pool of potential police officers. The plan includes a significant emphasis on recruitment at local college campuses, which are reflective of the diversity of South Florida.
- The potential to employ individuals who are more mature as a result of their age, have more life experience and have been exposed to a diversity of thought and perspective that comes with a typical four-year college experience. These individuals will also have demonstrated a high level of commitment to their personal learning and development through academic achievement.
- In the case of police trainees, a cost effective approach in which the candidates are invested heavily enough in a career in the MBPD to attend the academy

without being paid yet are reassured that their costs and fees will be covered by the Department once they graduate and are appointed police officers.

- In the case of police trainees, an opportunity to develop, shape and grow inexperienced officers in the desired MBPD mold. This aspect is critical to the police trainee pilot, as the MBPD will be more able to limit the trainees' exposure to attitudes or behaviors not conducive to good policing and, in contrast, expose new recruits to attitudes, behaviors, expectations and positive role modeling of what an ideal police officer should be in the City of Miami Beach.

If the police trainee pilot project is successful, the MBPD hopes to more fully adopt this new hiring and selection process for all future police officers in coming years.

The Department also determined to make the 21-year and 4-year college degree requirements mandatory for experienced police officer ("lateral") candidates for the same reasons of maturing and diversity of thought, perspective and life experience. There will be one exception to the college degree requirement for certified officers only. As an alternative to a college degree, three years of military experience with an honorable discharge will be accepted, in deference to the special skills, training and discipline these veterans have always brought to the police profession.

The MBPD presented the full proposal to the City of Miami Beach Personnel Board on Friday, September 25th, and provided detailed information on the issues mentioned above. In that presentation, the Department cited a recent study that showed that over a recent six-year period in Florida, police officers across the state who possessed four-year degrees accounted for only 11 percent of the loss-of-certification discipline cases, even though they made up 24 percent of all Florida officers. By contrast, officers with only a high school diploma, who were 58 percent of all Florida officers, accounted for 75 percent of loss-of-certification disciplines. The Department also produced other similar national data for the Personnel Board's consideration.

The new Police Officer and Police Officer Trainee job descriptions are attached. The Personnel Board voted to approve these new job descriptions at the September 25 meeting. They will be used in the test announcements and recruitment period that is coming this fall.

One of the reasons most police departments have resisted going to the four-year degree requirement is that it is generally thought to be harder to recruit college students to police work. The four-year degree requirement will pose new challenges for the Department to meet its hiring targets. We should know after one or two recruiting cycles whether we can meet our hiring needs even while requiring the college degree. Deputy Chief Laretta Hill will lead the Department's recruiting effort.

The proposal will have no fiscal impact on the MBPD other than what is already budgeted for FY 15-16. This project will, if successful, bring significant benefits in terms of the quality of policing.

JLM/DJO/DW

Attachment

MIAMI BEACH

Police Officer

Job Code: 5011

EEO Class Code: Protective Services

Union Status: FOP

FLSA Code: Non-exempt

Salary Grade: d02a

NATURE OF WORK

General police functions in the prevention of crime, protection of life and property and apprehension of criminal offenders, through the enforcement of laws and ordinances and the maintenance of community order through the performance of numerous human services, as well as providing general information and assistance to the public.

ILLUSTRATIVE EXAMPLES OF ESSENTIAL DUTIES

- Patrols and prevents crime and answers a wide variety of calls and complaints and arrests those engaged in any violation of a criminal law or ordinance.
- Maintains community order by responding to calls and situations which may escalate from minor disputes, (social crises, or personal problems) to community disorders and resolves these insofar as possible, through application of personal skills or through referral to proper social agencies.
- Enforces traffic laws and investigates traffic accidents.
- Directs traffic, participates in canine and harbor patrol duties and assignments.
- Answers questions asked by the public and gives directions.
- Issues summonses and warnings and serves subpoenas and warrants.
- Assists in controlling crowds; testifies in court; checks doors and windows of commercial establishments after closing hours.
- Performs duties and assignments in coordination with the Investigations Division.
- Participates in Civil Defense programs.
- Prepares reports and records of prescribed duties.
- Acts as a community outreach officer; utilizes firearms, communication equipment, electronic detectors, audiovisual equipment and the like.
- Works at Report Control Center screening requests for service and answering telephone.
- Performs various clerical and administrative tasks, as required.
- Oversees custody, care and control of prisoners when assigned jailor duties.
- Explains laws, ordinances and general information to citizens.
- Conducts investigations at the scene of a crime or accident, gathers, preserves and correlates evidence, locates witnesses, issues citations, or makes arrests.
- Transports and receives property, evidence and prisoners.
- Advises and directs elderly and indigent persons.
- Maintains daily activity logs; maintains surveillance of known criminals or persons suspected of criminal activity; interviews suspects; prepares cases against suspect.
- Investigates cases of juvenile delinquency and submits reports to juvenile court; assists in the supervision of juveniles held in custody.
- Coordinates and functions with other operational units and functions as a part of such unit when assigned.
- Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of the rules and regulations of the Police Department.
- Knowledge of applicable federal and state laws and City ordinances.
- Knowledge of the modern methods and practices of crime prevention and criminal investigations and identification.

POLICE OFFICER

- Knowledge of first aid techniques.
- Knowledge of practical public and human relations.
- Skill in the use and care of firearms and related police equipment.
- Ability to express ideas clearly and concisely, both verbally and in writing, to individuals or to groups.
- Ability to establish and maintain effective working relationships with departmental officials, City officials, other City employees, officials of other agencies, professional groups, and the general public.
- Ability to work effectively in emergency situations.
- Ability to comprehend and retain knowledge of various fields relative to police function, including but not limited to interviews, criminal law, laws of arrest, search and seizure, rules of evidence and court procedures.
- Ability to interact and inter-relate with people and help in resolution of collective and individual problems.
- Ability to understand and carry out complex oral and written instructions.
- Ability to work effectively in emergency situations and under little direct supervision.
- Ability to analyze situations quickly and objectively, to determine proper course of action and to prepare reports.
- Good social and general intelligence and emotional stability.
- Ability to establish good working relationships with fellow employees, the general public and other agencies.
- Ability to obtain and apply (way finding) knowledge of City geography.
- Ability to perform simple mathematical computations and reason logically.
- Ability to demonstrate an awareness and appreciation of the cultural diversity in the community.
- Willingness to work various shifts and be on 24-hour call, as needed.
- Ability to develop sources of information and referral.
- Ability to work in a potentially hazardous environment.

GUIDELINES

Guidelines include federal laws and regulations; Florida State Statutes; Miami-Dade County ordinances; City of Miami Beach ordinances; and Departmental Standard Operating Procedures. These guidelines are generally clear and specific, but may require some interpretation in application.

COMPLEXITY/SCOPE AND EFFECT

- The work consists of related law enforcement duties. The need to respond to dangerous, high-profile, and unexpected or unusual events contributes to the complexity of the position.
- The purpose of this position is to participate in patrol or investigative activities or in the performance of specialized and technical police functions. Success in this position results in the enforcement of laws and the increased safety of life and property in the City of Miami Beach.

CONTACTS

- Contacts are typically with other City personnel; representatives from other law enforcement agencies; fire and other emergency response personnel; and members of the general public.
- Contacts are typically to give or exchange information, resolve problems, and provide services.

PHYSICAL REQUIREMENTS/WORK ENVIRONMENT

- Must have the use of sensory skills in order to effectively communicate and interact with other employees and the public through the use of the telephone and personal contact.
- Physical capability to effectively use and operate various items of office related equipment, such as, but not limited to, computers, calculator, copier, and fax machine.
- Some crawling, reaching, handling, sitting, standing, pushing, and pulling.
- Physical capability to pass police physical agility entrance tests.
- Physical capability to run, walk, and climb over rough and unfamiliar terrain, fences and other obstacles for extended periods of time.
- Bend, accessing attics, crawl spaces, and other recesses of buildings.

POLICE OFFICER

- Operate motor vehicle for long periods of time.
- Control persons resisting arrest; to move a disabled or combative individual.

SUPERVISION RECEIVED

- General and specific assignments are received as to beats or detail.
- Work is normally performed under supervision as required with some latitude for the use of independent judgment in the selection of work methods and procedures, subject to close review for compliance with the departmental standards and objectives, through reports, personal inspection and discussion.

SUPERVISION EXERCISED

None

MINIMUM REQUIREMENTS

- Must meet one of the following criteria:
 - Have a State of Florida Basic Law Enforcement Certification-active and in good standing; or
 - Have completed Basic Law Enforcement Training and received PASSING results in all sections of the State Certification exam; or
 - Have a State of Florida Corrections Cross Training Certification or Compliance Certification; or
 - Be currently attending a Basic Law Enforcement Training Academy.
- Be at least 21 years of age at time of application.
- Bachelor's Degree or 3 years active Military service with an Honorable Discharge at time of hire.
- Be a United States citizen prior to appointment. Fla Stat. 943.13(2). Applicants who are not United States citizens must have applied for citizenship by application closing date.
- Complete a course of basic recruit training approved by the CJSTC unless exempt and achieved an acceptable score on the officer certification exam in accordance with Florida Statutes. Fla Stat. 943.13(9) and (10).
- Comply with Section 943.135, Florida Statutes, and CJSTC continuing training and education requirements. Fla. Stat. 943.13(11).
- Valid, appropriate driver's license
- Acceptable driving record.

Job Description Approval:

Human Resources Director: _____ Date: _____
Sylvia Crespo-Tabak

Assistant City Manager: _____ Date: _____
Mark Taxis

City Manager: _____ Date: _____
Jimmy L. Morales

MIAMI BEACH

POLICE OFFICER TRAINEE

Job Code: 8001

EEO Class Code: Protective Services

Union Status: FOP

FLSA Code: Non-Exempt

Salary Grade: d08a

NATURE OF WORK

General work as a City sponsored student enrolled in a basic recruit training program at one of the Criminal Justice Standards and Training Commission (CJSTC) certified training schools.

ILLUSTRATIVE EXAMPLES OF ESSENTIAL DUTIES

- Timely attends and participates in all lectures, demonstrations, applications, formations, inspections, examinations, and any other gatherings conducted as a part of Basic Law Enforcement Courses and remedial training.
- Studies, comprehends, retains, and successfully demonstrates attained knowledge and skills garnered from all lectures, texts, material, data, and any other sources of information on subjects presented by the institute.
- Successfully demonstrates proficiency in all the designated high liability areas.
- Maintains a healthy physical condition and demonstrates the skills necessary to agilely accomplish arduous and aqueous tasks, goals, assignments, etc.
- Adapts and adheres to the conduct and attitudes required by training advisors, instructors, and administrators of the basic recruit training program at the CJSTC certified training school.
- Is appropriately attired at all times as designated by the institute's Trainee Orientation Manual.
- Performs and submits related work as required.

KNOWLEDGE, SKILLS AND ABILITIES

- Ability to study, comprehend, retain, and successfully demonstrate knowledge of various fields of law enforcement in the curricula of regularly scheduled Basic Law Enforcement Courses, or remedial academic or remedial in all high liability areas at a basic recruit training program at the CJSTC certified training school.
- Ability to achieve and maintain a physical condition and skills to successfully complete any and all physical requirements included within those courses or training.
- Ability to become proficient in all high liability areas.
- Ability to adjust behavior patterns and attitudes.
- Ability to follow oral and written instructions, orders, and regulations.
- Ability to maintain working relationships with peers and supervisors.
- Ability to demonstrate an awareness and appreciation of the cultural diversity in the community.

GUIDELINES

Guidelines include Southeast Florida Institute of Criminal Justice standards and requirements; federal laws and regulations; Florida State Statutes; Miami-Dade County ordinances; City of Miami Beach ordinances; and Departmental Standard Operating Procedures. These guidelines are generally clear and specific, but may require some interpretation in application.

COMPLEXITY/SCOPE AND EFFECT

The work consists of related trainee law enforcement duties.

The purpose of this position is to become trained to participate in patrol or investigative activities or in the

POLICE OFFICER TRAINEE

performance of specialized and technical police functions. Success in this position results in the enforcement of laws and the increased safety of life and property in the City of Miami Beach.

CONTACTS

Contacts are typically with other institute instructors and administrators, other trainees, law enforcement personnel, and the general public.

Contacts are typically to give or exchange information, resolve problems, and provide services.

PHYSICAL REQUIREMENTS/WORK ENVIRONMENT

- Must have the use of sensory skills in order to effectively communicate and interact with other employees and the public through the use of the telephone and personal contact.
- Physical capability to effectively use and operate various items of office related equipment, such as, but not limited to, word processor, calculator, copier, and fax machine.
- Some crawling, reaching, handling, sitting, standing, pushing, and pulling.
- Physical capability to pass police physical agility entrance tests.
- Physical capability to run, walk, and climb over rough and unfamiliar terrain, fences and other obstacles for extended periods of time.
- Bend, accessing attics, crawl spaces, and other recesses of buildings.
- Operate motor vehicle for long periods of time.
- Ability to control persons resisting arrest; to move a disabled or combative individual.

SUPERVISION RECEIVED

- Assignments are outlined in detail and work is subject to close supervision.

SUPERVISION EXERCISED

- None
- May be assigned by Training Advisors to temporary leadership roles within the class.

MINIMUM REQUIREMENTS

- Be at least 21 years of age at time of application.
- Bachelor's degree must be obtained by time of hire.
- Be a United States citizen prior to appointment. Fla. Stat 943.13 (2). Applicants who are not United States citizens must have applied for citizenship by the time they submit their application. Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer. Fla. Stat 943.13 (4).
- Must pass State guidelines as determined by the Florida Department of Law Enforcement for entrance into the police academy. Currently an individual must pass a Commission-approved Behavioral Abilities Test (BAT) prior to entering a basic recruit training program.)
- Complete a course of basic recruit training approved by the CJSTC unless exempt and achieved an acceptable score on the officer certification exam in accordance with Florida Statutes. Fla. Stat. 943.13(9) and (10).

POLICE OFFICER TRAINEE

- Comply with Section 943.135, Florida Statutes, and CJSTC continuing training and education requirements. Fla Stat. 943.13(11).
- Possess a valid Florida driver's license.

Job Description Approval:

Human Resources Director: _____ Date: _____
Sylvia Crespo-Tabak

Assistant City Manager: _____ Date: _____
Mark Taxis

City Manager: _____ Date: _____
Jimmy L. Morales

RESOLUTION TO BE SUBMITTED

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED, PURSUANT TO REQUEST FOR PROPOSALS (RFP) No. 2015-176-JR, ELEVATOR INSPECTION AND PLAN REVIEW SERVICES

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term.

Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary/Recommendation:

RFP No. 2015-176-JR, was issued on May 11, 2015, with a proposal due date of July 9, 2015. One (1) addendum was issued. The Procurement Department issued bid notices to 63 firms utilizing the www.PublicPurchase.com. Twenty three (23) prospective bidders accessed the advertised solicitation. The RFP required for the proposed inspectors and plan reviewers meet definition of "Elevator Personnel" in ASME A17.1 Section 1.3 and have documented training and at least one (1) year of experience performing inspections and performing witnessing of test as specified in ASME A17.1 and A18.1. The Elevator Inspectors and Plan Reviewers must also be in possession of current ASME QEI certification and a valid State Florida, Department of Business and Professional Regulations Certified Elevator Inspector License

The RFP resulted in the receipt of three (3) responses from ATIS Elevator Inspections, LLC, National Elevator Inspection Services and TUV SUD America Chemical Oil & Gas.

After the receipt of proposals, the Building Department's Elevator Division was transitioned to the Public Works Department where it was determined that the necessary services would best be provided by existing in-house staff, consistent with previous methods. In the event that work volume becomes too great, we may revisit an extension of staff contract in the future.

After considering and reviewing staff's recommendation, the City Manager recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the Resolution rejecting all proposals, pursuant to Request for Proposals No. 2015-176-JR for Elevator Inspection and Plan Review Services.

RECOMMENDATION

Approve the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
OBPI	1	N/A
	Total	

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Alex Denis, Eric Carpenter

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD <i>AD</i>	EC <i>EC</i> MT	JLM <i>JLM</i>

T:\AGENDA\2016\February\Procurement\RFP 2016-176-JR - Elevator Inspection & Plan Review -SUMMARY Reject Proposals.doc



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139,
www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED, PURSUANT TO PURSUANT TO REQUEST FOR PROPOSALS (RFP) No. 2015-176-JR, ELEVATOR INSPECTION AND PLAN REVIEW SERVICES.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure expenditure trends are sustainable over the long term.

BACKGROUND

On May 9, 2012, the City Commission approved the contract with Miami Elevator Inspection, Inc., A-1 Elevator Inspection Inc. and Up and Down Elevator Inspections pursuant to ITB 33-11/12, for Elevator Inspection Services. The agreement with these firms is currently effective through May 30, 2015 and no further options for renewal are available.

On February 11, 2015, the City Commission approved to issue the Request for Proposals (RFP) No. 2015-095-MT. On February 13, 2015, the RFP was issued. A voluntary pre-proposal conference to provide information to the proposers was held on February 27, 2015. RFP responses were due on March 16, 2015. There were no responses to the Solicitation.

RFP PROCESS

RFP No. 2015-176-JR, was issued on May 11, 2015, with a proposal due date of July 9, 2015. One (1) addendum was issued. The Procurement Department issued bid notices to 50 firms utilizing the www.PublicPurchase.com. Twenty three (23) prospective bidders accessed the advertised solicitation. The RFP required for the proposed inspectors and plan reviewers meet definition of "Elevator Personnel" in ASME A17.1 Section 1.3 and have documented training and at least one (1) year of experience performing inspections and performing witnessing of test as specified in ASME A17.1 and A18.1. The Elevator Inspectors and Plan Reviewers must also be in possession of current ASME QEI certification and a valid State Florida, Department of Business and Professional Regulations Certified Elevator Inspector License

The RFP resulted in the receipt of three (3) responses from ATIS Elevator Inspections, LLC, National Elevator Inspection Services and TUV SUD America Chemical Oil & Gas.

After the receipt of proposals, the Building Department's Elevator Division was transitioned to the Public Works Department where it was determined that the necessary services would best be provided by in-house staff.

MANAGER'S DUE DILIGENCE & RECOMMENDATION

After considering and reviewing staff's recommendation, the City Manager recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the Resolution rejecting all proposals, pursuant to Request for Proposals No. 2015-176-JR for Elevator Inspection and Plan Review Services. The Services will be provided using in-house City Staff.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the Resolution accepting the recommendation of the City Manager pursuant to Request for Proposals No. 2015-176-JR for Elevator Inspection and Plan Review Services.

JLM / MT / EC / AD / WG

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED, PURSUANT TO REQUEST FOR PROPOSALS (RFP) 2015-176-JR FOR ELEVATOR INSPECTION AND PLAN REVIEW SERVICES.

WHEREAS, Request for Proposals No. 2015-176-JR (the RFP) was issued on May 11, 2015, with a proposal due date of July 9, 2015; and

WHEREAS, the RFP resulted in the receipt of three (3) responses from Miami Elevator Inspection, Inc., A-1 Elevator Inspection Inc. and Up and Down Elevator Inspections; and

WHEREAS, the criteria of the RFP required the proposed inspectors and plan reviewers to: (1) the meet definition of "Elevator Personnel" in ASME A17.1 (Section 1.3); (2) have documented training; (3) have at least one (1) year of experience performing inspections and performing witnessing of tests as specified in ASME A17.1 and A18.1; (4) have current ASME QEI certification; and a valid State of Florida, Department of Business and Professional Regulations, Certified Elevator Inspector License; and

WHEREAS, after the receipt of proposals, the Building Department's Elevator Division was transitioned to the Public Works Department where it was determined that the necessary services would best be provided by in-house staff; and

WHEREAS, after considering and reviewing staff's recommendation, the City Manager recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the Resolution rejecting all proposals pursuant to Request for Proposals No. 2015-176-JR for Elevator Inspection and Plan Review Services.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and accept the recommendation of the City Manager to reject all proposals received pursuant to Request for Proposals (RFP) No. 2015-176-JR, for Elevator Inspection and Plan Review Services.

PASSED AND ADOPTED this _____ day of _____ 2016.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR

T:\AGENDA\2016\February\Procurement\RFP 2016-176-JR - Elevator Inspection & Plan Review -RESOLUTION Reject Proposals.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Jul 23
City Attorney JWT

2-2-16
Date

COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Adopting A Rental Fee Waiver Grant Program For Live Theater At The Colony Theatre Funded By The Community Benefit Fund And Administered By TCED Following Review And Recommendation By The CAC.

Key Intended Outcome Supported:

Maximize the Miami Beach Brand as a World Class Destination.

Supporting Data (Surveys, Environmental Scan, etc.): Two out of three residents (65%) believed the City offered the right amount of cultural activities, while 30% said there were too few. The percentage of residents who believe there are too few cultural activities has increased from 24% in 2009 to 30% in 2014.

Item Summary/Recommendation:

At the December 9, 2015 Commission meeting, Commissioners Steinberg and Malakoff referred a discussion of how to incentivize local theater in Miami Beach to both the Cultural Arts Council (CAC) and the Finance and Citywide Projects Committee. This discussion was prompted by the announcement of a major new professional theater company, Miami New Drama, under the direction of multiple-award winning director and playwright Moises Kauffman and Michel Hausmann, and the challenges faced by its month-long run of *The Golem of Havana*, which opened on January 16, 2016. The subject was discussed at length by the CAC at its meeting on January 7, 2016.

The FCWP Committee recommended that the Community Benefit Fund be made available to fund a new rental fee waiver program for the Colony Theatre in an effort to incentivize live theater productions in Miami Beach, said program to be administered by TCED following advisement from the CAC.

The City will reevaluate the Community Benefit Fund after the first year of this new program to determine if any changes to the surcharge are required to maintain a positive balance in the fund.

It is recommended that the City Commission adopt the grant program as indicated.

Advisory Board Recommendation:

The Cultural Arts Council approved the proposed grant program at its meeting on January 7, 2016.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
Total			

Financial Impact Summary: Funding is available from the Community Benefit Fund for this grant program. 601-7000-229155

City Clerk's Office Legislative Tracking:

Max A. Sklar, Tourism, Culture, and Economic Development Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ADOPT A RENTAL FEE WAIVER GRANT PROGRAM FOR THE COLONY THEATRE IN AN EFFORT TO INCENTIVIZE LIVE THEATER IN MIAMI BEACH, SAID PROGRAM TO BE FUNDED BY THE COMMUNITY BENEFIT FUND AND ADMINISTERED BY THE TOURISM, CULTURE AND ECONOMIC DEVELOPMENT DEPARTMENT FOLLOWING REVIEW AND RECOMMENDATION BY THE MIAMI BEACH CULTURAL ARTS COUNCIL.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding is available through the Community Benefit Fund. 601-7000-229155

ANALYSIS

At the December 9, 2015 Commission meeting, Commissioners Steinberg and Malakoff referred a discussion of how to incentivize local theater in Miami Beach to both the Cultural Arts Council (CAC) and the Finance and Citywide Projects Committee. This discussion was prompted by the announcement of a major new professional theater company, Miami New Drama, under the direction of multiple-award winning director and playwright Moises Kauffman and Michel Hausmann, and the challenges faced by its month-long run of *The Golem of Havana*, which opened on January 16, 2016. The subject was discussed at length by the CAC at its meeting on January 7, 2016.

This item was discussed at the January 22, 2016 Finance and Citywide Projects Committee meeting and was unanimously approved by the Committee members. The Committee also briefly discussed a CAC recommendation to transfer the management of the Colony to a professional resident theater company, and recommended further research and discussion.

BACKGROUND

The CAC has long lamented the dearth of live drama in Miami Beach. The City is home to the region's major ballet company, orchestra, art fair and museum; live theater is the missing component of the well-rounded cultural personality that sets Miami Beach apart from the rest of the region. In 2014 the CAC proposed engaging the various small local theater groups by adding an additional twelve Community Benefit Fund rent waivers at the Gleason Room at the Fillmore specifically earmarked for live theater, and developed a marketing plan and accompanying grants program to insure the effort's success. The plan was subsequently

approved by the Mayor and Commission per Resolution No. 2014-28732. It has not been realized, however, because the increase in the number of rent waivers must be approved as part of the new contract between the City and Live Nation.

The Community Benefit Fund at the Jackie Gleason Theater was established by Resolution No. 83-17447 to provide discounted show tickets to senior citizen and student residents. It is funded by a \$1.50 surcharge on each ticket sold. The fund's purpose was further defined by Resolution No. 92-20454 to "present and promote performances, programs, shows and entertainment at reduced prices or free admission for the residents of Miami Beach." Resolution No. 98-22762 created the Community Benefit Fund Rent Waiver program, which pays the operator for theater rental fee waivers for up to twelve non-profit organizations per calendar year. Management of the rent waiver program was transferred from the Convention Center Advisory Board to the Miami Beach Cultural Arts Council (CAC) in 2009. The CAC stipulates that rent waiver recipients be required to offer free or discounted tickets to Miami Beach residents.

At this writing the balance in the Community Benefit Fund is \$816,261. Funds are currently used only for the discount ticket program and to pay the operator for the twelve rent waivers available each calendar year. The fund nets between \$38,000 and \$108,000 annually after the rent waiver and discount ticket program costs are deducted. The CAC is proposing utilizing the fund for greater community benefit by making drama-specific rent waivers available for the Colony Theatre. Rent waivers at the Fillmore currently cover up to four consecutive days' rental fees per organization per year. To stimulate longer-run professional shows, the CAC proposes extending the waiver to cover four days per week of an extended run production at the Colony, and to allow organizations to apply more than once a year. The CAC would continue to review each application and make recommendations designed to stimulate the creation of a robust and loyal theater audience.

Fiscal Year	Opening Balance	Surcharge Revenue	Interest Earned	Grants Paid	Ending Balance
FY 07/08	\$ 188,666	\$ 103,977	\$ 8,373	\$ 7,019	\$ 293,996
FY 08/09	\$ 293,996	\$ 54,365	\$ 9,621	\$ 16,941	\$ 341,042
FY 09/10	\$ 341,042	\$ 74,645	\$ 6,899	\$ 28,400	\$ 394,186
FY 10/11	\$ 394,186	\$ 103,387	\$ 5,427	\$ 26,200	\$ 476,800
FY 11/12	\$ 476,800	\$ 119,244	\$ 4,793	\$ 23,400	\$ 577,436
FY 12/13	\$ 577,436	\$ 105,607	\$ 4,195	\$ 40,400	\$ 646,838
FY 13/14	\$ 646,838	\$ 127,093	\$ 4,565	\$ 41,200	\$ 737,295
FY 14/15	\$ 737,295	\$ 122,269	\$ 3,578	\$ 84,000	\$ 779,142
FY 15/16 Projected	\$ 779,142	\$ 101,323	\$ 3,000	\$ 84,000	\$ 799,465

The City will reevaluate the Community Benefit Fund after the first year of this new program to determine if any changes to the surcharge are required to maintain a positive balance in the fund.

CONCLUSION

The Mayor and City Commission should adopt the recommendation of the Finance and Citywide Projects Committee to adopt a rental fee waiver grant program for the Colony Theatre funded by the Community Benefit Fund and administered by the Tourism, Culture and Economic Development Department following review and recommendation by the CAC.

JLM/KGB/MAS/GF

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ADOPT A RENTAL FEE WAIVER GRANT PROGRAM FOR THE COLONY THEATRE IN AN EFFORT TO INCENTIVIZE LIVE THEATER IN MIAMI BEACH, SAID PROGRAM TO BE FUNDED BY THE COMMUNITY BENEFIT FUND AND ADMINISTERED BY THE TOURISM, CULTURE AND ECONOMIC DEVELOPMENT DEPARTMENT, FOLLOWING REVIEW AND RECOMMENDATION BY THE MIAMI BEACH CULTURAL ARTS COUNCIL.

WHEREAS, the Miami Beach Cultural Arts Council (CAC) was established by the Mayor and City Commission on March 5, 1997; and

WHEREAS, the mission of the CAC is to develop, coordinate, and promote the visual and performing arts in the City of Miami Beach for the enjoyment, education, cultural enrichment and benefit of the residents of, and visitors to, Miami Beach; and

WHEREAS, the Mayor and City Commission adopted the Cultural Arts Master Plan on June 3, 1998, identifying the following program areas for the CAC: cultural arts grants; marketing; facilities; advocacy and planning; and revenue development; and

WHEREAS, the CAC recognizes the need to incentivize live theater in Miami Beach by offering a rental fee waiver grant program for the Colony Theatre; and

WHEREAS, funding is available through the Community Benefit Fund, which is managed by the Tourism, Culture and Economic Development Department following review and recommendation by the CAC; and

WHEREAS, the Finance and Citywide Projects Committee reviewed and approved said rental waiver grant program at its meeting on January 22, 2016.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt a rental fee waiver grant program for the Colony Theatre in an effort to incentivize live theater in Miami Beach, funded by the Community Benefit Fund and administered by the Tourism, Culture and Economic Development Department, following review and recommendation by the Miami Beach Cultural Arts Council.

PASSED and ADOPTED THIS 10th day of February 2016.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Julia L. O'Connell
City Attorney

1/28/16
Date

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Condensed Title:

A Resolution Approving The Friends Of The Bass Museum, Inc.'S Permanent Placement Within Collins Park Of A Sculpture By Artist Ugo Rondinone Entitled "Mountains" In Collins Park, With Such Sculpture Being Accessioned Into The John And Johanna Bass Collection And Maintained By The Friends Of The Bass Museum, Inc., For The Benefit Of The City Of Miami Beach, Florida.

Key Intended Outcome Supported:

Maximize The Miami Beach Brand as a World Class Destination

Supporting Data (Surveys, Environmental Scan, etc.):

The 2014 Community Satisfaction Survey shows six in ten residents(57%)claimed there were enough museums in Miami Beach (compared to 61% in 2012), yet 40% thought there were too few. In 2012, only 34% of residents thought there were too few museums. Residents in North Beach (47%) were more likely to think there were too few museums. Four in ten business owners in Miami Beach (40%) believed there were too few museums; however, 57% of business owners thought Miami Beach had the right number of museums.

Item Summary/Recommendation:

The Bass Museum was established from its inception as a strong public/private partnership through a contractual agreement entered into 51 years ago when the City accepted the gift of the art collection of John and Johanna Bass. This agreement stipulates that the City will provide basic funding for the maintenance and exhibition of the collection. The City fulfills this obligation by funding the operational elements of the Museum, and maintaining the building, which is a City asset.

In August 2009, the Administration, the testamentary representative of the Bass Family, and representatives of the Friends, commenced discussions to begin the process of developing a new governance model for the Museum, which includes an overhaul of the existing by-laws of the Friends. On March 10, 2010, the City Commission adopted Resolution No. 2010-27349 amending the agreement between the City and Dennis Alan Richard (as Successor in Interest to John and Johanna Bass). The Amended and Restated Bass Museum Agreement establishes that the governance of the Museum and Collection be the responsibility of the Friends of the Bass Museum, Inc.. Furthermore, as an accredited museum, it requires that the Friends follow the American Association of Museums (AAM) guidelines for the accession and deaccession of object of art for the collection and any objects of art purchased by the Friends of the Bass Museum shall become part of the permanent collection of the Museum, which is owned by the City of Miami Beach.

The Friends of the Bass Museum and the City of Miami Beach are seeking approval from the City Commission for the installation of a permanent sculpture by artist Ugo Rondinone on a small concrete pad located near the corner of 21st Street and Collins Avenue. Ugo Rondinone is a well-established international artists who lives and works in New York. Images of the sculpture are attached for your reference. This is the same site that previously featured the Maze by Brian Tolle, which was removed and returned to the artists following the dispute with the artist.

Advisory Board Recommendation:

The Historic Preservation Board and Art in Public Places Committee have considered the installed and both have recommended approval.

Financial Information:

Source of Funds:	Amount	Account	Approved
1	N/A		
OBPI			
Total			

Financial Impact Summary: The work will be accessioned into the Bass Collection and the Friends of the Bass Museum will maintain it.

City Clerk's Office Legislative Tracking:

Max Sklar, ext. 6116

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MAS 	KGB 	JLM 

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MIAMI BEACH

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE FRIENDS OF THE BASS MUSEUM, INC.'S PERMANENT PLACEMENT WITHIN COLLINS PARK OF A SCULPTURE BY ARTIST UGO RONDINONE ENTITLED "MOUNTAINS" IN COLLINS PARK, WITH SUCH SCULPTURE BEING ACCESSIONED INTO THE JOHN AND JOHANNA BASS COLLECTION AND MAINTAINED BY THE FRIENDS OF THE BASS MUSEUM, INC., FOR THE BENEFIT OF THE CITY OF MIAMI BEACH, FLORIDA.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Not Applicable

BACKGROUND

The Bass Museum was established from its inception as a strong public/private partnership through a contractual agreement entered into 51 years ago when the City accepted the gift of the art collection of John and Johanna Bass. This agreement stipulates that the City will provide basic funding for the maintenance and exhibition of the collection. The City fulfills this obligation by funding the operational elements of the Museum, and maintaining the building, which is a City asset.

In August 2009, the Administration, the testamentary representative of the Bass Family, and representatives of the Friends, commenced discussions to begin the process of developing a new governance model for the Museum, which includes an overhaul of the existing by-laws of the Friends. On March 10, 2010, the City Commission adopted Resolution No. 2010-27349 amending the agreement between the City and Dennis Alan Richard (as Successor in Interest to John and Johanna Bass). The Amended and Restated Bass Museum Agreement establishes that the governance of the Museum and Collection be the responsibility of the Friends of the Bass Museum, Inc.. Furthermore, as an accredited museum, it requires that the Friends follow the American Association of Museums (AAM) guidelines for the accession and deaccession of object of art for the collection and any objects of art purchased by the Friends of the Bass Museum shall become part of the permanent collection of the Museum, which is owned by the City of Miami Beach.

ANALYSIS

The Friends of the Bass Museum and the City of Miami Beach are seeking approval from the City Commission for the installation of a permanent sculpture by artist Ugo Rondinone on a small concrete pad located near the corner of 21st Street and Collins Avenue. Images of the sculpture are attached for your reference. This is the same site that previously featured the Maze by Brian Tolle,

which was removed and returned to the artists following the dispute with the artist.

Ugo Rondinone is a well-established international artists who lives and works in New York. He has long embraced a fluid range of forms and media. As whole, his work constitutes a complex network of responses to social and physical structures. By allowing himself such formal and thematic freedom, Rondinone creates the conditions for an expansive emotional range. His work has become recognized for its ability to channel both psychological expressiveness and profound insight in the human condition and the relationship between human being and nature. Recent solo exhibitions include *naturaleza humana*, Museo Anahuacalli, Coyoacan, Mexico, 2014; *thank you silence*, M Museum, Leuven, Belgium, 2013; *we run through a desert on burning feet, all of us are glowing our faces look twisted*, Art Institute of Chicago, 2013; *human nature*, Public Art Fund, Rockefeller Plaza, New York, 2013; *primitive*, Common Guild, Glasgow, 2012; *nude*, Museum of Cycladic Art, Athens, 2012; and *The Night of Lead (Die Nacht aus Blei)*, Aargauer Kunsthaus, Aarau, Switzerland, 2010. This October, Rondinone's exhibition *I ♥ John Giorno* opens at Palais de Tokyo, Paris; forthcoming solo exhibitions in 2016 include *Vocabulary of Solitude*, Boijmans van Beuningen, Rotterdam; *Becoming Soil*, Carré d'Art, Nîmes; and *Present Tense*, Museo d'Arte Contemporanea, Rome. In early 2016, his public outdoor installation, *Seven Magic Mountains*, will open in the Nevada desert, coproduced by New York's Art Production Fund and Nevada Museum of Art, Reno (NE).

The Historic Preservation Board and Art in Public Places Committee have considered the installed and both have recommended approval. The work will be accessioned into the Bass Collection and the Friends of the Bass Museum will maintain it.

CONCLUSION

The Administration recommends approving The Friends Of The Bass Museum, Inc.'s permanent placement within Collins Park of a sculpture by artist Ugo Rondinone entitled "Mountains" in Collins Park, with such sculpture being accessioned into the John And Johanna Bass Collection and maintained by The Friends Of The Bass Museum, Inc., for the benefit of the City Of Miami Beach, Florida.


JLM/KBB/MAS

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE FRIENDS OF THE BASS MUSEUM, INC.'S PERMANENT PLACEMENT WITHIN COLLINS PARK OF A SCULPTURE BY ARTIST UGO RONDINONE ENTITLED "MOUNTAINS," WITH SUCH SCULPTURE BEING ACCESSIONED INTO THE JOHN AND JOHANNA BASS COLLECTION AND MAINTAINED BY THE FRIENDS OF THE BASS MUSEUM, INC., FOR THE BENEFIT OF THE CITY OF MIAMI BEACH, FLORIDA.

WHEREAS, the Bass Museum (Museum) was established from its inception as a strong public/private partnership through a contractual agreement entered into in 1963 between the City of Miami Beach (City) and John and Johanna Bass, whereby the City accepted the gift of the art collection of John and Johanna Bass (the Bass Collection), in exchange for making the Bass Collection open and available to the public in a building maintained by the City (the 1963 Agreement and all subsequent amendments thereto are hereinafter referred to as the "1963 Bass Agreement"); and

WHEREAS, the 1963 Bass Agreement, requires the City to maintain the Bass Collection in perpetuity; provide for the exhibition of the Collection; keep it open and available to the public; and provide basic funding for the maintenance and exhibition of the Collection; and

WHEREAS, the City fulfills this obligation by funding the operational elements of the Bass Museum and maintaining the building, which is a City asset; and

WHEREAS, an entity exists to promote and further the mission of the Bass Museum, the Friends of the Bass Museum, Inc., which is a 501(c)3 corporation, established in 1978 as the membership and fundraising arm of the Museum; and

WHEREAS, on March 10, 2010, the City Commission adopted Resolution No. 2010-27349 which approved an Amended and Restated Bass Museum Agreement between the City and Dennis Alan Richard (as successor in interest to John and Johanna Bass); the Amended and Restated Agreement was intended to replace and supersede the 1963 Bass Agreement; and

WHEREAS, the Amended and Restated Bass Museum Agreement requires the Friends of the Bass Museum to follow the American Association of Museums (AAM) guidelines for the accession and deaccession of object of art for the collection and any objects of art purchased by the Friends of the Bass Museum shall become part of the permanent collection of the Museum, which is owned by the City of Miami Beach; and

WHEREAS, the Friends of the Bass Museum and the City of Miami Beach are seeking approval from the City Commission for the permanent installation of a sculpture entitled "Mountains" by artist Ugo Rondinone on a small concrete pad located near the corner of 21st Street and Collins Avenue; and

WHEREAS, the work will be accessioned into the Bass Collection and maintained by the Friends of the Bass Museum; and

WHEREAS, the Historic Preservation Board and Art in Public Places Committee have considered the proposed installation and both have recommended approval; and

WHEREAS, the Administration recommends approving The Friends Of The Bass Museum, Inc.'s permanent placement within Collins Park of a sculpture by artist Ugo Rondinone entitled "Mountains" in Collins Park, with such sculpture being accessioned into the John And Johanna Bass Collection and maintained by The Friends Of The Bass Museum, Inc., for the benefit of the City Of Miami Beach, Florida.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA that the Mayor and City Commission hereby approve The Friends Of The Bass Museum, Inc.'s permanent placement within Collins Park of a sculpture by artist Ugo Rondinone entitled "Mountains," with such sculpture being accessioned into the John And Johanna Bass Collection and maintained by The Friends Of The Bass Museum, Inc., for the benefit of the City Of Miami Beach, Florida.

PASSED and ADOPTED this 10th day of February, 2016.


PHILIP LEVINE, MAYOR

ATTESTED BY:

RAFAEL E. GRANADO, CITY CLERK

T:\AGENDA\2016\February\TCED\Bass Museum Ugo Rondinone Sculpture RESO.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 1-20-16
City Attorney *RAY* Date

bassmuseumofart

Historic Preservation Board - Final Submittal - 10/26/2015

Collins Park Sculpture Installation

Scope of Work

- Install sculpture by artist Ugo Rondinone in Collins Park

ZONING INFORMATION

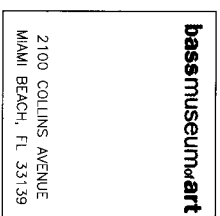
Address 2100 Collins Avenue
Board and File numbers: tbd
Folio number: 02-3226-001-0370
Year constructed: 1930
Zoning District: GU-Civic & Government Use
Base Flood Elevation: AE-8
Grade value in NGVD: 5.36 feet
Adjusted grade (Flood+Grade/2): 8+(5.36)/2= 10.68 feet
Lot area: 108,000 Sq. Ft.
Lot width: 400 feet
Lot depth: 620 feet
Existing Use: Cultural Facility
Proposed Use: Cultural Facility

Development Restrictions base on adjacent RM-2 (Residential Multifamily) Zone

	Maximum	Existing	Proposed
Height	50 feet	48 feet	48 feet
No. of stories	5	2	2
F.A.R.	2.0		
Gross Sq. Ft.	216,000	33,597	40,305
Front setback west	20 feet	13 feet	13 feet
Front setback south	20 feet	103 feet	103 feet
Front setback north	20 feet	36.5 feet	36.5 feet
Front setback east	20 feet	79 feet	79 feet
Parking	n/a	n/a	n/a



Location Map



2100 COLLINS AVENUE
 MIAMI BEACH, FL 33139

GRAPHIC SCALE

(IN FEET)

1 inch = 30 ft.



SURVEYORS' NOTES:

1. This is not a Lond Survey
2. Elevations if any, shown hereon are relative to National Geodetic Vertical Datum.
3. Not valid unless marked with an embossed surveyor's seal

SURVEYORS' CERTIFICATE: That the attached A-5-BUILD SURVEY is correct to the best of my knowledge and belief as a duly sworn surveyor under my direction, and my knowledge and belief as the person in technical Standards so sworn by. My Florida Board of Professional Surveyors and Mappers is Chapter S-17 Florida Administrative Code, pursuant to Section 472.027, F.S.

DATE _____
BY: ARTURO MENDICUTTA
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, No. 5844

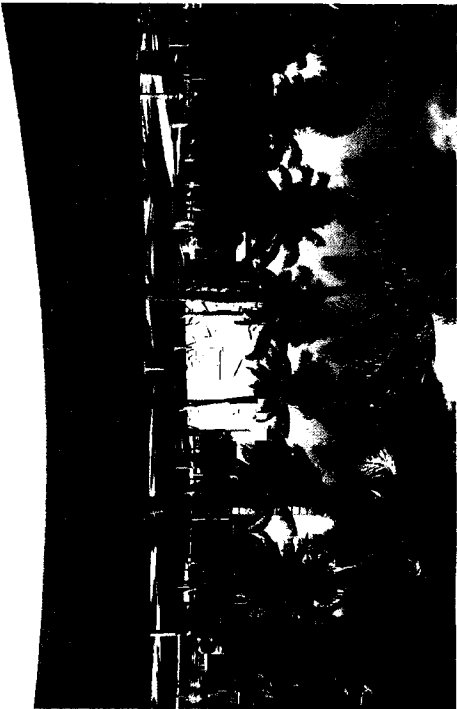
MPG TECHNICAL GROUP CORP.
 CERTIFICATE OF AUTH. # LB-6932
 908 S.W. 141st Avenue,
 Miami, Florida 33184
 Ph. (305) 559-9043 Fax. (305) 559-8914

**COLLINS PARK CULTURAL
CAMPUS
(BASS MUSEUM)**

DRAWN: ELF/MC.	REVISION	DATE:
CHECKED: A.M.		
FIELD DATE: 08/30/10		
DATE: 09/15/10		
SCALE: 1" = 10'		



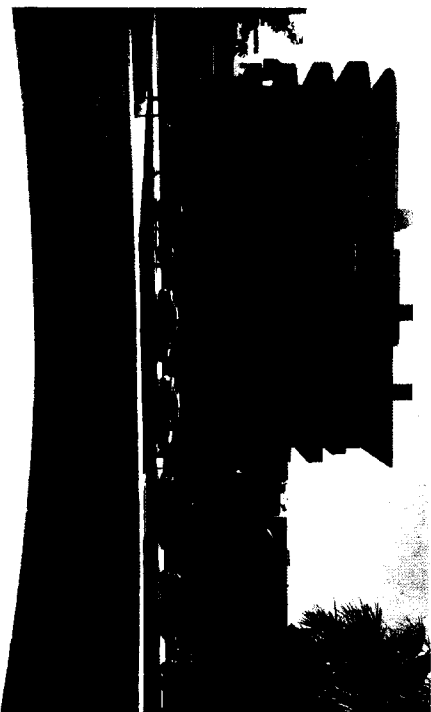
10/6/2015 - East



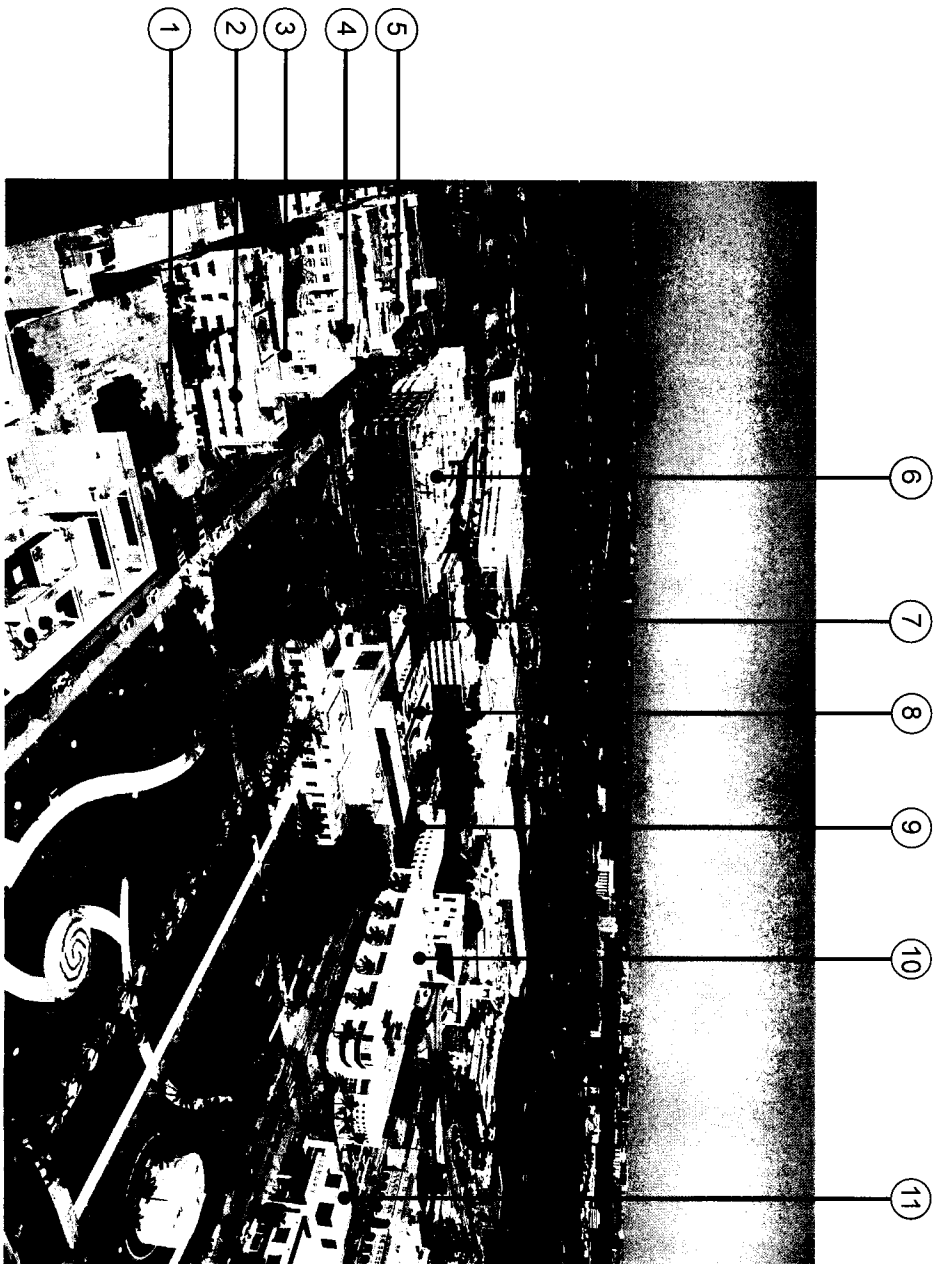
10/6/2015 - North



10/6/2015 - West



10/6/2015 - South





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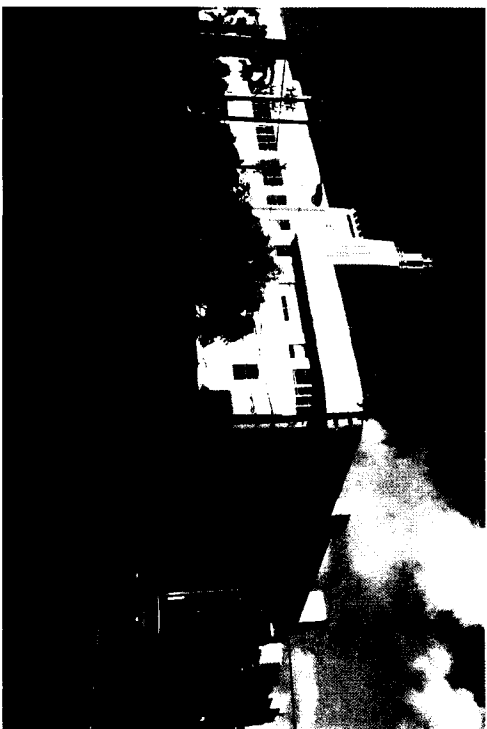
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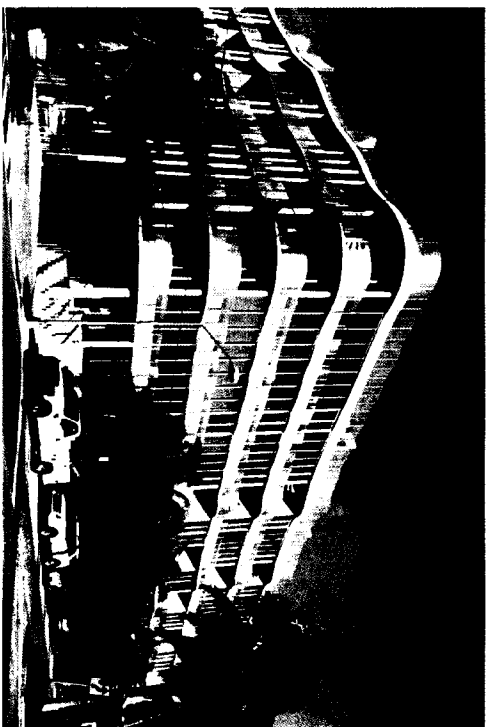
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(4)- 1/06/15



(5)- 1/06/15



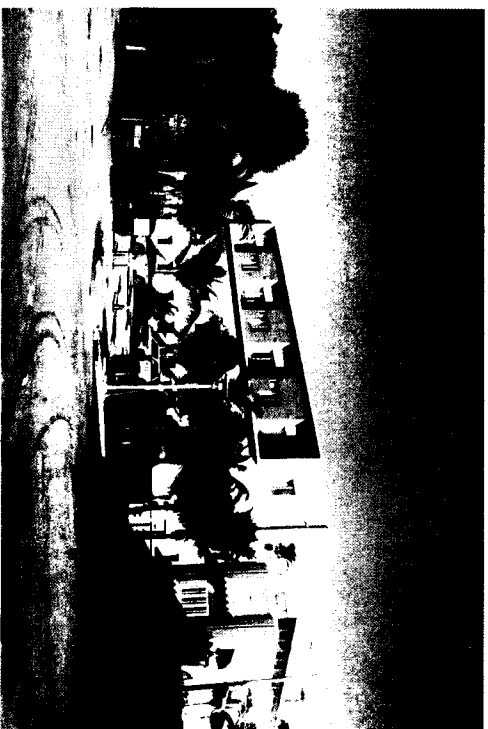
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(7)- 1/06/15



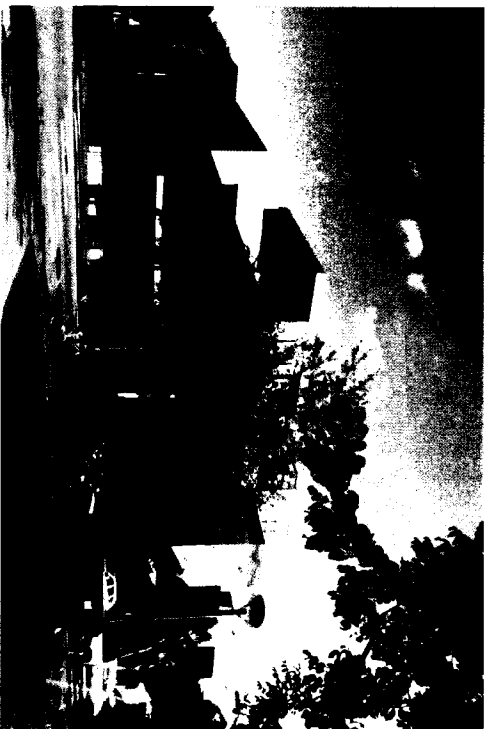
(8)- 1/06/15



(9)- 1/06/15



(10)- 1/06/15



(11)- 1/06/15

Ugo Rondinone
Mountains, 2016 (Work to be Fabricated)
Painted Granite Rocks, Supported by Internal Steel Rod
Approx. Height: 35-40 ft.
Approx. Width: 4-6 ft.



Ugo Rondinone
Mountains, 2016 (Work to be Fabricated)
Painted Granite Rocks, Supported by Internal Steel Rod
Approx. Height: 35-40 ft.
Approx. Width: 4-6 ft.



Ugo Rondinone (Swiss, b. 1964) lives and works in New York. He has long embraced a fluid range of forms and media. As whole, his work constitutes a complex network of responses to social and physical structures. By allowing himself such formal and thematic freedom, Rondinone creates the conditions for an expansive emotional range. His work has become recognized for its ability to channel both psychological expressiveness and profound insight in the human condition and the relationship between human being and nature. Recent solo exhibitions include *naturaleza humana*, Museo Anahuacalli, Coyoacan, Mexico, 2014; *thank you silence*, M Museum, Leuven, Belgium, 2013; *we run through a desert on burning feet, all of us are glowing our faces look twisted*, Art Institute of Chicago, 2013; *human nature*, Public Art Fund, Rockefeller Plaza, New York, 2013; *primitive*, Common Guild, Glasgow, 2012; *nude*, Museum of Cycladic Art, Athens, 2012; and *The Night of Lead (Die Nacht aus Blei)*, Aargauer Kunsthaut, Aarau, Switzerland, 2010. This October, Rondinone's exhibition *I ♥ John Giorgio* opens at Palais de Tokyo, Paris; forthcoming solo exhibitions in 2016 include *Vocabulary of Solitude*, Boijmans van Beuningen, Rotterdam; *Becoming Soil*, Carré d'Art, Nîmes; and *Present Tense*, Museo d'Arte Contemporanea, Rome. In early 2016, his public outdoor installation, *Seven Magic Mountains*, will open in the Nevada desert, co-produced by New York's Art Production Fund and Nevada Museum of Art, Reno (NE).

Condensed Title:

A Resolution Approving And Authorizing The Administration To Negotiate A Lease Agreement Between The City, As Tenant, and Beach Tower, LLC, As Landlord, For The Use Of Approximately 3,349 Rentable Square Feet Of Property, Located At 1688 Meridian Avenue, Miami Beach, Florida, For The City's Transportation Department, For An Initial Term Of Sixty-three (63) Months, Commencing March 1, 2016 And Ending May 31, 2021, With Two (2) Renewal Options For Three (3) Years Each, At The City's Option; And Upon Successful Negotiations, Authorizing The Mayor And City Clerk To Execute Said Lease Agreement.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.):

N/A

Item Summary/Recommendation:

The Administration submitted a similar matter to the Mayor and City Commission at its December 9, 2015 meeting. The previous matter involved a new lease agreement at 1680 Meridian Avenue for the use of 3,792 square feet, to be used by the City's Transportation Department, for a period of three (3) years, with one (1) renewal option for three (3) years. The Mayor and City Commission approved and authorized the Administration to negotiate and finalize said lease agreement.

Subsequent to the December 9, 2015 meeting, the landlord at 1680 Meridian Avenue advised the Administration that it was moving forward with an alternate prospect and was not going to consummate a lease with the City. Accordingly, the Administration continued its search for office space.

The criteria established by the Administration for the required office space included the following: 1) approximately 3,000 – 4,000 rentable square feet, 2) an existing buildout which met the needs of the Transportation Department and would enable a quick occupancy, 3) fair market terms & conditions and 4) close proximity to the City Hall complex. It was of particular importance to identify space in close proximity to the City Hall complex in order to allow the employees to utilize parking in the City Hall parking garage and 17th Street parking garage.

Subsequently, the Office of Real Estate negotiated terms and conditions for a new lease at 1688 Meridian Avenue (adjacent to the previously selected building). Prior to execution, the fully negotiated lease agreement shall be subject to Legal review and approval.

A summary of the proposed lease terms are as follows:

SIZE: Approximately 3,349 rentable square feet
TERM: Sixty-three (63) months
RENT ABATEMENT: Three (3) months
COMMENCEMENT DATE: March 1, 2016
EXPIRATION DATE: May 31, 2021
RENEWAL OPTIONS: Two (2) renewal options for three (3) years each, at Tenant's option.
INITIAL BASE RENT: \$29.95 per square foot (estimated to be \$100,303 annually; \$8,359 monthly) on a triple net (NNN) basis.
BASE RENT INCREASES: Three percent (3%) annually
OPERATING EXPENSES: In addition to Base Rent, Tenant shall pay its pro rata share of maintenance, insurance and real estate taxes.
TENANT IMPROVEMENTS: Landlord will provide an allowance of \$15.00 per rentable square foot (\$50,235) to be used towards improvements to the Premises.

The Administration recommends that the Mayor and City Commission adopt the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds	Amount	Account
1	\$143,974	FY 2015/16 Fund 106.9615.000340 323 Funding for future years is subject to budget appropriation.

Financial Impact Summary: The Base Rental Rate is \$29.95 PSF, triple net, with three percent (3%) annual increases, and Operating Expenses estimated at \$13.04 PSF during Year 1. Over the initial five (5) year term of the lease, the aggregate Gross Rent is projected to be \$750,875.

City Clerk's Office Legislative Tracking:

Max Sklar, ext. 6116

Sign-Offs:

Department Director MAS	Assistant City Manager KGB	City Manager JLM
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MIAMIBEACH


AGENDA ITEM C7J
 DATE 2-10-16

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A LEASE AGREEMENT, CONSISTENT WITH THE ESSENTIAL TERMS SET FORTH IN THIS RESOLUTION, BETWEEN THE CITY OF MIAMI BEACH, AS TENANT, AND BEACH TOWER, LLC, AS LANDLORD, FOR USE OF APPROXIMATELY 3,349 RENTABLE SQUARE FEET OF PROPERTY, LOCATED AT 1688 MERIDIAN AVENUE, SUITE 801, MIAMI BEACH, FLORIDA, TO BE USED AS ADMINISTRATIVE OFFICES FOR THE CITY'S TRANSPORTATION DEPARTMENT; SAID LEASE AGREEMENT HAVING AN INITIAL TERM OF SIXTY-THREE (63) MONTHS, COMMENCING ON MARCH 1, 2016, AND ENDING ON MAY 31, 2021, WITH TWO (2) RENEWAL OPTIONS FOR THREE (3) YEARS, AT THE CITY'S OPTION; AND UPON SUCCESSFUL NEGOTIATIONS, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID LEASE AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The Administration submitted a similar matter to the Mayor and City Commission at its December 9, 2015 meeting. The previous matter involved a new lease agreement at 1680 Meridian Avenue for the use of 3,792 square feet, to be used by the City's Transportation Department, for a period of three (3) years, with one (1) renewal option for three (3) years. The Mayor and City Commission approved and authorized the Administration to negotiate and finalize said lease agreement.

Subsequent to the December 9, 2015 meeting, the landlord at 1680 Meridian Avenue advised the Administration that it was moving forward with an alternate

prospect and was not going to consummate a lease with the City. Accordingly, the Administration continued its search for office space.

ANALYSIS

The criteria established by the Administration for the required office space included the following: 1) approximately 3,000 – 4,000 rentable square feet, 2) an existing buildout which met the needs of the Transportation Department and would enable a quick occupancy, 3) fair market terms & conditions and 4) close proximity to the City Hall complex. It was of particular importance to identify space in close proximity to the City Hall complex in order to allow the employees to utilize parking in the City Hall parking garage and 17th Street parking garage.

Subsequently, the Office of Real Estate negotiated terms and conditions for a new lease at 1688 Meridian Avenue (adjacent to the previously selected building). Prior to execution, the fully negotiated lease agreement shall be subject to Legal review and approval.

A summary of the proposed lease terms are as follows:

TENANT:	City of Miami Beach
LANDLORD:	Beach Tower, LLC
PREMISES:	1688 Meridian Avenue, Suite 801 Miami Beach, Florida 33139
SIZE:	Approximately 3,349 rentable square feet
TERM:	Sixty-three (63) months
RENT ABATEMENT:	Three (3) months
LEASE COMMENCEMENT DATE:	March 1, 2016
LEASE EXPIRATION DATE:	May 31, 2021
RENEWAL OPTIONS:	Tenant shall have two (2) renewal options for three (3) years each, at the Tenant's option, at fair market rent.
INITIAL BASE RENT:	\$29.95 per square foot (estimated to be \$100,303 annually; \$8,359 monthly) on a triple net (NNN) basis.

BASE RENT INCREASES: Three percent (3%) annually

OPERATING EXPENSES: In addition to Base Rent, Tenant shall pay its pro rata share of maintenance, insurance and real estate taxes which are estimated at \$13.04 PSF in 2016. Increases in controllable Operating Expenses shall be capped at no more than five percent (5%) above the previous year.

TENANT

IMPROVEMENTS: Landlord will provide an allowance of \$15.00 per rentable square foot (\$50,235) to be used towards improvements to the Premises.

SECURITY DEPOSIT: None

USE: Administrative offices

By comparison, on October 14, 2015, the City Commission approved a lease agreement with Care Resource for approximately 2,000 square feet of office space at 1701 Meridian Avenue at a gross rental rate of \$33.56 per rentable square foot on a triple net (NNN) basis.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Resolution approving and authorizing the Administration to negotiate a lease agreement, between the City and Beach Tower, LLC, for approximately 3,349 rentable square feet of space, located at 1688 Meridian Avenue, Suite 801, Miami Beach, Florida; and upon successful negotiations, subject to Legal review and approval, authorizing the Mayor and City Clerk to execute said lease agreement.

JLM/KGB/MAS/MMM



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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A LEASE AGREEMENT, CONSISTENT WITH THE ESSENTIAL TERMS SET FORTH IN THIS RESOLUTION, BETWEEN THE CITY OF MIAMI BEACH, AS TENANT, AND BEACH TOWER, LLC, AS LANDLORD, FOR USE OF APPROXIMATELY 3,349 RENTABLE SQUARE FEET OF PROPERTY, LOCATED AT 1688 MERIDIAN AVENUE, SUITE 801, MIAMI BEACH, FLORIDA, TO BE USED AS ADMINISTRATIVE OFFICES FOR THE CITY'S TRANSPORTATION DEPARTMENT; SAID LEASE AGREEMENT HAVING AN INITIAL TERM OF SIXTY-THREE (63) MONTHS, COMMENCING ON MARCH 1, 2016, AND ENDING ON MAY 31, 2021, WITH TWO (2) THREE (3) YEAR RENEWAL OPTIONS, AT THE CITY'S OPTION; AND UPON SUCCESSFUL NEGOTIATIONS, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID LEASE AGREEMENT.

WHEREAS, the Transportation Department currently consists of approximately thirteen (13) employees and all of the staff does not currently fit in the space they occupy within the Public Works Department; and

WHEREAS, as vacant positions are filled and/or other positions are created, finding office space for these new employees in existing City facilities is virtually impossible, not to mention they would not be located with the rest of the department staff; and

WHEREAS, the current space they occupy does not provide an ideal work environment for the Transportation Department staff; and

WHEREAS, due to the lack of available City-owned office space, the Administration determined it was necessary to lease office space from a third party landlord; and

WHEREAS, the criteria established by the Administration for the required office space included the following: 1) approximately 3,000 – 4,000 rentable square feet, 2) an existing buildout which met the needs of the Transportation Department and would enable a quick occupancy, 3) fair market terms & conditions and 4) close proximity to the City Hall complex; and

WHEREAS, the City's Real Estate Office actively searched for office space which met the established criteria and, due to the importance of being located in close proximity to the City Hall complex, the search was focused on three (3) multi-tenant office buildings located at the corner of 17th Street and Meridian Avenue; and

WHEREAS, after touring several spaces, and receiving multiple proposals, the Administration determined the space which best meets the established criteria is located at 1688 Meridian Avenue, and contains approximately 3,349 rentable square feet; and

WHEREAS, the Administration negotiated terms and conditions for a five (5) year lease, between the City and Beach Tower, LLC, a Delaware limited liability company (Landlord), containing the following proposed lease terms:

TENANT:	City of Miami Beach
LANDLORD:	Beach Tower, LLC
PREMISES:	1688 Meridian Avenue, Suite 801 Miami Beach, Florida 33139
SIZE:	Approximately 3,349 rentable square feet
TERM:	Sixty-three (63) months
RENT ABATEMENT:	Three (3) months
LEASE COMMENCEMENT DATE:	March 1, 2016
LEASE EXPIRATION DATE:	May 31, 2021
RENEWAL OPTIONS:	Tenant shall have two (2) renewal options for three (3) years each, at the Tenant's option, at fair market rent.
INITIAL BASE RENT:	\$29.95 per square foot (estimated to be \$100,303 annually; \$8,359 monthly) on a triple net (NNN) basis.
BASE RENT INCREASES:	Three percent (3%) annually
OPERATING EXPENSES:	In addition to Base Rent, Tenant shall pay its pro rata share of maintenance, insurance and real estate taxes which are estimated at \$13.04 PSF in 2016. Increases in controllable Operating Expenses shall be capped at no more than five percent (5%) above the previous year.
TENANT IMPROVEMENTS:	Landlord will provide an allowance of \$15.00 per rentable square foot (\$50,235) to be used towards improvements to the Premises.
SECURITY DEPOSIT:	None
USE:	Administrative offices; and

WHEREAS, the Administration recommends that the City Commission approve and authorize the Administration to negotiate a lease agreement, based upon the essential terms set forth in this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Administration to negotiate a lease agreement between the City of Miami Beach, as Tenant, and Beach Tower, LLC, as Landlord, for use of approximately 3,349 rentable square feet of property, located at 1688 Meridian Avenue, Suite 801, Miami Beach, Florida, to be used as administrative offices for the City's Transportation Department; said lease having an initial term of sixty-three (63) months, commencing on March 1, 2016, and ending on May 31, 2021, with two (2) three (3) year renewal options, at the City's option; and upon successful negotiations, authorize the Mayor and City Clerk to execute said lease agreement.

PASSED and ADOPTED this _____ day of _____ 2016.

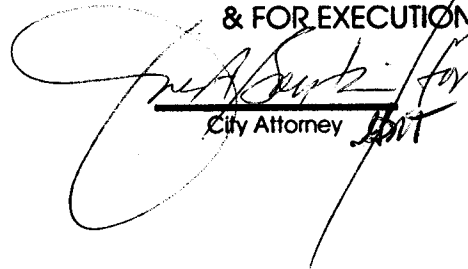
ATTEST:

RAFAEL E. GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *ADT* Date for 2-3-2016

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COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Amending The City's Film And Print Requirements And Guidelines To Exempt Film Permit Requirement For Individual Photographers

Key Intended Outcome Supported:

Maximize the Miami Beach Brand as a World Class Destination.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The City offers a fee-free film and photo permit and in 2012 expanded the definition of the "City-wide" permit that offers flexible blanket permitting to a variety of productions, making Miami Beach one of the easiest places to film in the country. With the advent and availability of higher quality consumer film and photo cameras and mobile devices, the City is faced with a dilemma of enforcement in an age when anyone anywhere can legitimately be considered a professional filmmaker or photographer. To try to overcome this burden and ease the process for the simplest of productions, the Administration suggests guideline amendments that allow an individual with a film or video camera and tripod only to be exempt from obtaining a film and print permit in Miami Beach, assuming their use exerts no exclusivity over public space. This change was modeled after the City of New York's film permit exemption for such individual filmmakers and photographers. It would similarly exempt such permit needs if the individual use was in a residential property in Miami Beach, which otherwise does require a film and print permit.

Attached for your review and consideration is the proposed amendment to the Film and Print Requirements and Guidelines.

Advisory Board Recommendation:

N/A

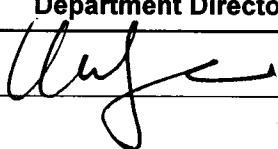
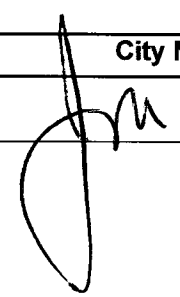
Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
OBPI	Total			
Financial Impact Summary:				

City Clerk's Office Legislative Tracking:

Max A. Sklar, Tourism, Culture, and Economic Development Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S FILM AND PRINT REQUIREMENTS AND GUIDELINES TO EXEMPT FILM PERMIT REQUIREMENT FOR INDIVIDUAL PHOTOGRAPHERS.**

BACKGROUND

The City's Film and Print Requirements and Guidelines were enacted in 2002 and have undergone several revisions over the years, most recently in 2012. The guidelines have changed over the years to address issues relevant to resident and business impacts as well as to address the changing nature and technology of the film and print processes and formats to continue to keep Miami Beach branded as a film-friendly destination. At the January 13 Commission Meeting, following a discussion item requested by Commissioner Michael Grieco regarding the requirement for individual portrait photographers to obtain a film permit, the Administration was directed to provide a solution that exempted such activity.

ANALYSIS

The City offers a fee-free film and photo permit and in 2012 expanded the definition of the "City-wide" permit that offers flexible blanket permitting to a variety of productions, making Miami Beach one of the easiest places to film in the country. With the advent and availability of higher quality consumer film and photo cameras and mobile devices, the City is faced with a dilemma of enforcement in an age when anyone anywhere can legitimately be considered a professional filmmaker or photographer. To try to overcome this burden and ease the process for the simplest of productions, the Administration suggests guideline amendments that allow an individual with a film or video camera and tripod only to be exempt from obtaining a film and print permit in Miami Beach, assuming their use exerts no exclusivity over public space. This change was modeled after the City of New York's film permit exemption for such individual filmmakers and photographers. It would similarly exempt such permit needs if the individual use was in a residential property in Miami Beach, which otherwise does require a film and print permit.

Attached for your review and consideration is the proposed amendment to the Film and Print Requirements and Guidelines.

RECCOMENDATION

The administration recommends approval of the resolution.

Attachments: Film and Print Requirements and Guidelines

JLM/KGB/MAS/GW

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FILM & PRINT REQUIREMENTS AND GUIDELINES

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I. **WHO NEEDS ~~DOES AND DOES NOT NEED~~ A FILM & PRINT PERMIT?**

Individuals utilizing a single film or video camera, hand-held or with a tripod only, who do not assert exclusive use of City property and/ or are within a residential or commercial property are exempt from obtaining a Film & Print Permit. Individuals or businesses with equipment or coordination needs beyond the aforementioned exemption, ~~or businesses wishing to conduct commercial film, television, video, online media, radio and photography projects~~ (hereafter referred to as "Productions") must obtain a Film & Print permit from the City of Miami Beach (hereafter referred to as "City").

Film & Print permits are issued for both public and private properties. Production activities taking place on private commercially zoned property may not require a permit, as long as those activities (including all support vehicles and equipment) are completely self-contained within the property. Any production activities that require city services, including meter rentals, use of off-duty police or fire, etc., require a Film & Print permit. The permit shall be available for inspection at the site on which the production is to occur. Upon the request of any police officer or code enforcement officer of the City, the owner, lessee or representative of the production company shall exhibit such permit.

II. **PERMIT APPLICATION REQUIREMENTS**

Individuals or businesses with equipment or coordination needs beyond the aforementioned exemption, wishing to conduct commercial film, television, video and photography projects must provide the City with a copy of the following documents prior to the issuance of any Film & Print permits:

1. Valid certificate of insurance for no less than one million US dollars (or currency equivalent) in general liability coverage, naming the City of Miami Beach as additional insured and certificate holder;
2. Completed Indemnity Agreement (downloadable on City's website), signed and sealed (notary seal or corporate seal), with entity matching the insured party; and
3. Completed permit application, with permittee matching insured and indemnified entity.

A. Requests for Film & Print permits should be received no less than two working days prior to the start of production in commercial districts and five working days prior to the start of production in residential areas of Miami Beach, unless additional time is required due to the nature of the request.

Film permit applicants are issued permits that are date, time, and location specific, except for "Miami Beach Citywide" permits. Requests for filming on weekends or holidays are reviewed on a case-by-case basis. Locations for Film & Print permits are reserved on a first-come, first-serve basis, regardless of the size or scope of the production.

B. A Miami Beach Citywide permit allows for small film or photo teams (twelve people or less in total) with minimal equipment (must be easily and quickly transported) to film on Miami Beach streets, sidewalks, City beaches and parks that do not require rental fees, assuming the production does not block pedestrian or vehicular traffic or impact private business or concessionaire, without signature letters of no objection in advance from the Film and Print Office and specific coordination. Equipment allowed includes camera, tripod, reflectors and battery operated lights. No generators, grip equipment or cabling allowed. No reserved or authorized parking permitted, including vehicles on beach or parks. Miami Beach City-wide does not include use of residential areas, which requires additional coordination and permitting from the City of Miami Beach.

While application deadlines are considered minimum standards, the Film & Print Office always appreciates as much notification time as possible and early notice is in the interest of applicants who wish to secure specific locations, which are booked on a first-come first-serve basis, or require City services. The Film & Print Office, without obligation, makes every effort to accommodate all reasonable requests that do not meet the above noted minimum time frames.

III. NEWS MEDIA: "professional journalists" collecting, photographing, recording, or reporting "news" as defined in section 90.5015 of the Florida Statutes are exempt from obtaining a permit - but are encouraged to notify the Film & Print Office if possible. Any uses that require City coordination, inclusive of vehicles accessing authorized areas requiring prior written authorization for access (e.g, beach and park areas) must coordinate such uses with the Film Office.

IV. STUDENTS: Students must comply with all permitting requirements and provide valid identification, along with proof of current enrollment with relevant coursework for the production indicated, and may be asked to provide insurance from their educational institution.

V. CITY SERVICES

Upon receipt of the completed permit application or written request, the Office of Film & Print will determine which City services will be required. The City will determine minimum staffing levels appropriate for proposed film or print productions. The City assumes no liability arising or resulting from the determinations of respective minimum staffing levels or the requirements for any production. Because no two production requests are the same, requirements may vary for each production. The following is a general list of frequently required services. The Film & Print Office reserves the right to require additional City Services and/or monetary deposits not listed below.

A. Use of Ocean Rescue Headquarters and Lifeguard Stands

Approval of the Captain of Ocean Rescue is required. Ocean Rescue Headquarters must notify the Office of Film & Print of their approval prior to the issuance of permit. Water activities and/or stunts will require the presence of off-duty Miami Beach Ocean Rescue lifeguard(s).

B. Use of the Convention Center / City Theaters and rental venues

Film permit applicants must contact the management of these facilities in order to obtain approval and/or pay any applicable fees for the use of these facilities prior to a Film & Print permit being issued. Parking arrangements must also be made with the management of these facilities and the Parking Department for the use of non-metered parking for these public venues.

C. Golf Courses

All permit applicants must contact the management of these facilities to obtain approval and/or pay any applicable fees for the use of these facilities prior to any permits being issued. Golf Courses are not included as part of the "City-Wide" permit.

D. Authorized Vehicle Access Passes

Vehicle Access Policy – Vehicles on the beach, in parks or other authorized areas require prior written authorization and should only be considered when absolutely necessary and may only be used for production elements and not private vehicles for the purposes of loading-in and out of equipment for the production, and must be removed from such areas immediately thereafter. A Vehicle Access Permit fee of \$150 is assessed per pass. A Vehicle Access Permit will be issued by the Film & Print Office once payment is made and coordination is met. Vehicle Access Passes must be displayed on the windshield of every vehicle on the beach or in such approved authorized areas. For any beach access, all such vehicles must be escorted on and off the beach by either City of Miami Beach Police or Ocean Rescue. All other authorized access uses (i.e. in City parks) may require escort by City of Miami Beach Police, Ocean Rescue or other designated City employee(s). All vehicles will be restricted to the location(s) listed on the permit.

All operating vehicles on the beach, park or other authorized use area shall follow the procedures listed herein:

1. Due care and caution will be utilized at all times while driving any vehicle on the beach, park or other authorized use area.

2. All vehicles on the beach, park or other authorized use area shall enter and depart the area at the nearest authorized access point to the call.
3. Prior to entering the beach, park or other authorized use area, vehicle headlights and overhead flashing lights (if equipped) or flashers will be turned on.
4. Drivers must turn off radios and shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach, park or other authorized use area.
5. Maximum speed allowed on the beach, park or other authorized use area is 5 MPH.
6. Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where hard pack sand exists.
7. Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack sand** at all times.
8. Do not drive over hills or berms (dunes) or near objects that may obstruct your view.
9. If you stop and exit your vehicle, walk completely around the vehicle prior to reentering your vehicle and moving it.
10. Traffic cones (orange, 18" high) must be placed at the front and rear of vehicles when parked on the beach, park or other authorized use area.
11. Use of a cellular phone or walkie talkies while the vehicle is in motion is **prohibited**.
12. Personal vehicles are prohibited on the beach, park or other authorized use area at anytime.

These procedures are to be complied with at all times by anyone operating a vehicle on the beach, park or other authorized use area. Failure to comply with these procedures may result in immediate revocation of the vehicle access pass and the film and print permit and termination of the production.

E. Helicopter landings and/or flights under 1000 feet

A letter of authorization from the City Manager is required for any landings on Miami Beach prior to the issuance of the Film & Print permit. A complete request package should and must be obtained no later than four working days prior to the production date. As part of a helicopter low-flight/landing request, a production must apply for "Miami Beach Aerials" on the Film & Print permit application and submit the following; proof of insurance from the company/helicopter owner, proof of pilot's license and certification for requested activities in addition to authorization (low fly waiver) from FAA authorities.

F. Street / Lane Closures

A street or lane closure permit, including a Right of Way permit, is required prior to the issuance of the Film & Print permit. A street or lane closure permit is obtained from the Police Off-Duty Office and requires the signature of Offices of the Chief of Police, Director of Public Works and the City Manager. The use of Off-Duty police is necessary. A street or lane closure permit request should be made no less than seven working days prior to the production date and must include a Management of Traffic (MOT) plan from a Florida Department of Traffic (FDOT) licensed traffic management company. In

addition, signed letter of no objection must be obtained from a minimum of 80% (preferably 100%) of the directly affected properties within the closure, and/or business/residential associations in the area, if applicable. Based on the location, the Office of Film & Print will identify which entities are to be notified. All meters within the closure must be reserved through the Miami Beach Parking Department by the Production.

G. Signage

Signage to direct cast/crew or any other production elements is permitted only by specific Film & Print permitted use and must be removed immediately upon completion of permitted activity. An invoice for costs incurred by the City for any removal of left signage will be forwarded to the permittee and must be satisfied before issuance of any further permits.

H. Traffic Control/ Driving Shots

All productions that require any amount of traffic control must obtain prior approval from the Office of Film & Print. Traffic control for vehicles and/ or pedestrians requires specific information to be relayed to the Film & Print Office prior to approval. All traffic interruption will be directly coordinated on-site by the off-duty officer in accordance with the permit.

Productions in need of driving shots must apply for a "Miami Beach Driving Shots" location request on the Film & Print permit application. Driving Shots that require a process rig, car to car that impedes the flow of traffic, car mounts or any traffic control require off-duty police escort. Each road has specific restrictions and may require additional permits in accordance with county or state law. Any driving shots on Ocean Drive may require notice and/or letter of no objection by the Ocean Drive Association as determined by the Office of Film & Print.

I. Parking

Most productions require some level of parking arrangements. When an applicant requires on-street meter rentals or parking spaces in City parking lots/garages, arrangements must be made with the City Parking Department, in conjunction with the Office of Film & Print. Due to the high demand for parking spaces in the City of Miami Beach, the Parking Department will only rent parking meters for vehicles essential to production and/or to clear parking spaces for the production (no visible vehicles in the shot). All production vehicles must park in legally designated parking spaces and/or lots. Vehicles parked in unauthorized areas (e.g., handicapped spaces, loading zones, fire lanes, alleyways, lanes of traffic, unlicensed lots, residential zones, etc.) without official authorization will be fined and/or removed. Production vehicles are prohibited from parking on Ocean Drive.

Requests for parking meter rentals that have a direct impact on a business or residence may be required to be accompanied by a letter of no objection from the affected business/property owner/ manager prior to the meter rental being approved. The Film & Print Office determines if (any) notification and/or letter(s) of no objection from affected businesses/residents is needed for meter rentals prior to the permit being issued. This determination is made on a case-by-case basis.

Requests for production vehicle parking should be received by the Parking Department no later than 48 hours prior to the production date and prior to 3:00 p.m. weekdays. Enforcement of reserved meters requires 24 hours notification.

J. Parks / Recreational Facilities

The Parks Department and/or Park Supervisor must be contacted when the applicant requests the rental or reserved use of a park facility (amphitheaters, basketball/handball/tennis courts, baseball/football/soccer fields, pools, etc.). Approval and/or payment of all applicable rental fees must be made prior to the issuance of the Film & Print permit.

K. Production Deposits

For some productions, a refundable deposit will be required for filming on public property in an amount to be determined by the Office of Film & Print, but no less than \$1000 and commensurate with the potential costs of City Services needed to maintain and/ or rectify the permitted use, to cover fines in the event violations are issued, or for any other use permitted by law. Any balance remaining shall be returned to the applicant. If restoration and/ or cleaning costs exceed the deposit, the permittee shall reimburse the City for the deficiency, and failing to remit such deficiency shall result in the permittee not receiving any future permits until the deficiency is satisfied. This deposit is primarily for those productions that will be in one location for a longer than usual time period, and with elements of the production left at the site over several days.

M. Off-Duty Fire / Fire Rescue

The Special Events Fire Coordinator must be contacted when the applicant requests the use of fire, pyrotechnics, or will be performing stunts/activities (crashes, jumps, falls) that are considered life threatening or dangerous, or when **a production needs to temporarily disable fire prevention devices in any facility**. In such instances, the presence of off-duty Miami Beach Fire personnel is required.

N. Off-Duty Police

Off-duty police are required on any film production if the total number of people in the production is over twelve, or any production in which the proposed activity is deemed by the Film & Print Office or the Miami Beach Police Department to present a potential hazard or inconvenience to the general public. Off-duty police officers are required for all Authorized Access uses, street and lane reductions or closures or any activity that could be mistaken as a public danger, inclusive of stunt work, fighting, use of weaponry or bearing a likeness to a police officer, or involving any of the foregoing.

The Police Off-Duty Coordinator determines the minimum number of off-duty police personnel that will be required and is responsible for the collection of all related fees. Requests for off-duty police personnel should be received two business days prior to the production date to ensure the request can be filled.

1. Off-duty officers will be required for most residential neighborhood filming as discussed in the Residential Neighborhood Filming section of these regulations. Low Impact Residential Productions, as defined herein may be exempt from obtaining an off-duty officer.
2. Off-duty police's first priority will be to address public safety related activities, as well as providing security needs as they relate to the production.
3. Off-duty officers working on a production are empowered to ensure execution of the pre-approved site plan, traffic plan and/or film permit. Officers may determine on-site modifications to the permit when public safety is an issue. Any other changes made to the issued permit on-site should be done in cooperation with officer(s) on-site and the Film & Print Office.
4. Permittees are encouraged to disclose foreseeable labor/management disputes and other controversial issues as relative to their project as it may affect the City's ability to provide police services.
5. Requests for off duty police must be received by the Off Duty Office a minimum of two business days prior to the date of requested service. The Off Duty Office may grant exceptions, based on their discretion.
6. Any approved off duty requested that is cancelled by the Production must provide the Off Duty Office with a minimum of twenty-four (24) hours notice of the cancellation. Failure to provide twenty-four (24) hour notice will result in the Production being responsible for the four (4) hour minimum for each off-duty officer scheduled plus the appropriate administrative charges.

O. SANITATION DEPARTMENT

The Office of Film & Print will contact the Sanitation Department when the relocation or removal of dumpsters/ trash receptacles are necessary and/or when the proposed production activity interferes with regular trash collection. Please note that any production that is found illegally dumping debris/trash will be fined. In addition, any production leaving debris/trash behind at any production location will be billed for the time, labor and equipment used by the Sanitation Department to clean-up the area.

VI. RESIDENTIAL NEIGHBORHOOD FILMING

Residential Productions in Miami Beach, whether single family home or multi-residential condo or apartment, requires a Film & Print permit. All such production activity, inclusive of filming, parking, set-dressing, load-in and load-out in residential areas of Miami Beach requires a Film & Print permit or shall be cited as a code zoning violation for the production company and/or homeowner. Detailed below are the standard logistical requirements for Productions of all sizes desiring to obtain Film & Print permits in residential locations. No two Productions are the same, and the Film & Print Office may require Productions to meet additional requirements depending on the nature and scope of a Production.

Productions that require completed notification and/ or signature forms are strongly encouraged to begin notifying residents and/ or obtaining signatures at least one week in advance. Completed signature forms should be provided to the Film & Print Office no less than 48 hours prior to start of production activity.

English and Spanish language signature and notification forms are available on the Film

& Print Office's website (www.filmiamibeach.com) and are mandatory for use by production companies. These forms must be used by all Productions, and shall be reviewed and approved by the Film & Print Office before any distribution or signature collection.

A. Homeowner Affidavit for use:

Any resident of the City of Miami Beach wishing to host permitted Production in a single family home, condominium or apartment by a third party (e.g., production company, location service company, etc.) must sign an owner affidavit, found on the City's website, acknowledging they have read and understand the Film & Print Guidelines, specifically as it pertains to residential Production; agrees to follow the City's Film & Print Guidelines and City Code; and also acknowledges the residence will not knowingly be used for other commercial purposes, or for short term rentals as defined in the City Code. Such affidavits may only be signed by the property owner or his/ her legally authorized representative.

B. Types of Residential Production Uses:

1. Low Impact Residential Production use is defined **as** a small team (twelve people or less in total) with minimal equipment (must be easily and quickly transported) to film entirely within a Miami Beach single family or multi-residential property. Equipment allowed includes camera, tripod, reflectors and battery operated lights. No generators or grip equipment allowed. No production motorhomes or commercial class vehicles allowed. No use of the street or swale for parking, loading in or loading out.
2. Standard Residential Production use is defined as any production that requires more than ten total people and/ or generators or grip equipment and/or commercial class vehicles or motorhomes and/or wishes to use the street or public areas for filming, parking or loading in and loading out.

C. Notification Forms/Requirements:

1. Notification to affected neighborhood(s) is required for residential Production uses between the hours of 7:00 a.m. and 10:00 p.m. weekdays and 8:00 a.m. and 10:00 p.m. weekends and holidays. *NOTE: Times denote from the start of load-in to the end of load out for all production activity.
2. Mandatory notification to the affected neighborhood should occur no less than 48 hours prior to commencement of any residential Production use, or arrival of any Production-related vehicles and/or personnel on site for Standard Residential Film & Print Use and no less than 24 hours prior to commencement of any residential Production use or arrival of any Production-related vehicles and/or personnel on site for Low Impact Residential Film & Print Use.
3. Notification forms must be distributed to all affected areas in a neighborhood. For purposes of the regulations, the affected neighborhood shall be determined by the Office of Film and Print. Notification must be provided to residents within a minimum of 500 feet from any Production activity including equipment parking for Standard Residential Film and Print Use. Notification must be provided to all abutting residents for Low Impact Residential Film and Print Use. Some locations may require additional areas of notice.
4. For Production activity within a multi-dwelling unit, signature letters of no

objection must be provided from the property owner, manager or condo association board of directors and/ or notification must be distributed to all individual unit owners/tenants who are affected, as well as any affected surrounding properties.

5. In certain instances, a Production may be required to obtain signatures from the impacted area during normal Production hours (see the Signature Forms section of these guidelines).
6. Applicants are required to provide notice by all reasonable means available, including, but not limited, to by cellular phone, other telephonic means, e-mail, fax, hand-delivery, mail and any other traceable delivery service (e.g. FedEx, UPS, courier service or certified mail).
7. Applicant is required to provide documentation of all notices.

D. Signature Letters of No Objection /Requirements:

The Film and Print Office retains jurisdiction and discretion to issue or deny permits based on the applicable law and regulations. As a courtesy to abutting and affected homeowners, their impact in the decision-making process is based on signature forms described herein.

1. Signature letters of no objection from affected neighborhood residents will be required for residential Production activity between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 8:00 a.m. weekends. *NOTE: Times denote load-in and 'tail-lights out' for Production activity.
2. Any residential property that wishes to host in excess of five (5) consecutive days of Production activity within a 30 day period must provide the City with letters of no objection from abutting properties. Some locations may require additional areas of notice.
3. Any residential property that wishes to host in excess of ten (10) total days of Production activity within a 30 day period must provide the City letters of no objection. For Standard Residential Film & Print Uses, letters of no objection must be provided to residents within 500 feet from any Production activity and/or equipment parking. For Low Impact Residential Film & Print Uses, letters of no objection must be provided to all abutting properties (any property that shares a property line with the house(s) used for Production activity). Some locations may require additional areas of notice.
4. For residential Production requests in excess of ten (10) total days of Production activity within a 30 day period, or for extended hours between 10:00 p.m. and 1:00 a.m., signature letters of no objection from 60% of affected neighborhood residents must be obtained by production, as well as signature letters of no objection from the abutting properties.
5. For residential production requests for extended hours between 1:00 a.m. and 7:00 a.m., signature letters of no objection forms from 75% of affected neighborhood residents must be obtained by production, as well as signature letters of no objection from the abutting properties.
6. Signature letters of no objection for residential Production during normal hours also will be required in the case of exceptional Production activities (e.g., gunfire, bullet hits, fire effects, explosions, car crashes, aerial filming, etc.), or high-impact Productions (e.g., large numbers of crew/talent and/or production vehicles/equipment present) as determined by the Film & Print Office based on

- an assessment of impact to surrounding neighborhood, and/or any situation in which the activities may present a public safety concern.
7. Any residential location that wishes to host in excess of sixty (60) days of production within any 12 month period will require review by an Internal Review Board assembled by the City Manager or his/ her designee to review the request and set conditions for approval. Requests for review must obtain the 90% signature letters of no objection within 500 feet of the property hosting Production activity, as well as signature letters of no objection from the abutting properties before coming before the Internal Review Board.
 8. In any instance where a residential location wishes to host in excess of ten (10) consecutive production days, regardless of type of activity, the production must obtain the 90% signature letters of no objection within 500 feet of the property hosting Production activity, as well as signature letters of no objection from the abutting properties before coming before the Internal Review Board.
 9. Notwithstanding anything to the contrary, with regard to any property which is located, in whole or in part, within 500 feet of a hospital that is open for business, there shall be no more than five (5) days of Production activity at that property in any thirty (30) day period. For purposes of the above, the distance shall be the shortest distance between the property lot line and the hospital lot line, as measured by a straight line. A property shall be deemed to be inside the radius if any portion of its lot line is within 500 feet of any portion of a hospital lot line.
 10. Signature letters of no objection must be submitted to the Film & Print Office before a permit may be issued, which includes the resident's signature, printed name and address.
 11. For Production activity within a single-dwelling home, where multi-dwelling units are affected, signature letters of no objection will be accepted from the property owner, manager, condo association board of directors or individual unit owners/tenants. Signature letters of no objection from individuals in multi-dwellings units must meet the same minimum percentages as outlined above.
 12. For Production activity within a multi-dwelling unit, signature letters of no objection must be obtained from all affected individual unit owners/tenants, as well as any affected surrounding properties. Signature letters of no objection from individuals in multi- dwellings units must meet the same minimum percentages as outlined above.
 13. A map created by the production company should be included with the original signature letters of no objection upon delivery to the Film & Print Office. This map should clearly identify pertinent streets by name & block (i.e. 700 block) indicate all addresses requiring signatures, and clearly show a site plan for production including all essential equipment parking and any catering plans.
 14. At those addresses at which signature letters of no objection are required, the map submitted to the Film & Print Office should indicate: non-objections, objections, properties with no response and vacancies by address. In the instance of a failure to obtain a signature letter of no objection at any given address, applicant must document to the Film & Print Office as to the number of attempts at making contact and provide documented attempts using recognized carriers (certified mail, etc).
 15. Note: Production must inform all affected properties of any schedule changes made after distribution of original notification/signature letters of no objection.

At all times the Film & Print Office reserves the right to require the need for signature letters of no objection as a condition of the permit.

In recognition that any Production has the most impact on adjacent properties, the Film & Print office will require a signature letters of no objection from those abutting properties (any property that shares a property line with the house(s) used for Production activity, including parking, etc.) when a Production qualifies as a 'signature' level Production. If one of the abutting property owners/tenants objects to the requested use, the production may file an appeal requesting that the Film & Print Office activate the City's Internal Review Board to review the Production's request. The Internal Review Board will have the authority, based on the guidelines specified in Section C herein, to approve the Production's request after considering all circumstances including the opinion of the abutting property owner. If all abutting property owners/tenants object to the requested use, the Production does NOT have the ability to appeal.

1. Signed letters of no objection of the abutting property owners must be obtained no later than forty-eight (48) hours before the date of the film or print activity is scheduled to occur.
2. Signed letters of no objection of an abutting property owner shall not be required if the Applicant has provided notice to the property owner and the owner has failed to respond to the notice for a period of at least twenty-four (24) hours from the date and time that notice was provided.
3. Applicants are required to obtain signature letters of no objection from all affected properties, including abutting properties, by all legal and reasonable means available, including but not limited to by cellular phone, other telephonic means, e-mail, fax, hand-delivery, mail and any other traceable delivery service (e.g. FedEx, UPS, courier service or certified mail). Federal law does not permit distribution in mailboxes.
4. Applicant is required to provide documentation of all notices.

E. Internal Review Board

For the purposes described above, an Internal Review Board composed of representatives from the following City of Miami Beach departments will be convened; Police Department, Code Compliance, City Manager's Office, Office of Film & Print, and the Parking Department. Other City Departments will be brought into the Internal Review process as determined based on the scope & impact of a particular project (Parks and Recreation, Beach Patrol, Fire Department, Building Department etc.). A Board Member from the Production Industry Council and a member of the subject area's City-recognized neighborhood or homeowner's association will also be included on the Internal Review Board. If the area does not have a City-recognized neighborhood or homeowner's association, a member of the Planning Board may serve on the Internal Review Board.

When the activation of an Internal Review Board is required, the Office of Film & Print shall organize the meeting. Recognizing the often-short timeline productions must work within, all efforts will be made to ensure the process is completed quickly and with full representation of all parties involved.

If the Internal Review Board is activated because an abutting property owner has declined to sign a letter of no objection, the Internal Review Board must consider the following criteria before determining whether or not to approve the production's request:

1. History of Code violations at the property;
2. Past history of the production company and/ or applicant;
3. Frequency of Film & Print Productions at the property;
4. Duration of the subject Production;
5. Infrastructure and quality of life impacts (e.g. traffic interruptions);
6. Other impacts to adjacent property owners, including exceptional filming activities (e.g., gunfire, bullet hits, fire effects, explosions, car crashes, aerial filming, etc.);and
7. Economic Impact to the City (long-term, short-term, and indirect effects on profit/costs to local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City).

Please Note

1. The Office of Film & Print may determine that some locations require additional areas of notification.
2. Production may elect to attach an additional letter with further information relating to the shoot at their discretion.
3. If a Production is unable to use their permitted Production day due to rain or inclement weather, the Production may request one additional day for each day lost if properly communicated to the Office of Film & Print in a timely manner. Such requests must re-notify the prescribed area immediately, but are not required to obtain signature letters of no objection, if already obtained.

G. Residential Parking

1. Production vehicles arriving on location in or near a residential neighborhood shall not enter the area before the time stipulated in the permit, and notification/signature forms, and must park in approved areas one by one, turning off engines as soon as possible.
2. Residential Productions may only arrange for immediate location parking of essential production equipment. The parking of private cast/crew vehicles on public streets is prohibited unless lane or road closure permits are obtained. Use of City-owned swale (area abutting the street) is prohibited. In most instances, arrangements should be made by the Production company to legally park cast/crew vehicles on private property, legally available spaces or shuttle personnel to set.
3. All Production vehicles on location must have a copy of the approved Film and Print permit or window placard on dashboard identifying the production company and/or project name.

Several areas in Miami Beach are restricted to Residential Permit parking only, Monday through Friday 6:00 p.m. through 7:00 a.m., and 24 hours Saturday and Sunday. Productions in these areas must make arrangements with the Police and Parking Departments to demarcate and secure the necessary sites.

H. CODE OF CONDUCT

The City of Miami Beach Code of Conduct for Film & Print Productions must be distributed with all notification or signature letters of no objection, and crew should also be copied and made aware of the Code of Conduct.

VII. MORATORIA

The City Manager or his designee has sole discretion to place a temporary moratorium on locations and neighborhoods that have experienced 'burn-out' as a result of previous high volume or large impact filming.

VIII. ENFORCEMENT

1. Permits shall be maintained at the site on which the photography or filming occurs. Permits shall be presented on the request of any police officer or code compliance officer or employee of the Office of Film & Print. A violation of these Film and Print Guidelines shall be considered a violation of the City Code, enforceable as provided herein. Persons engaged in a Film & Print Production without a permit, or otherwise in violation of the guidelines herein, shall be subject to enforcement by City police or Code Compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines and/or partial or full default of security deposit:
 - A. For the first offense within a 12 month period a fine of \$500;
 - B. For the second offense within a 12 month period a fine of \$1,500;
and
 - C. For the third offense within a 12 month period and subsequent offenses a fine of \$3,000.
2. Enforcement may include arrest for violation of Section 12-5 of the City Code, and/or enforcement as provided for in section 1-14 of this Code, and/or notices of violation referred to Special Masters, who have authority to issue fines or enforce compliance, as provided for in Chapter 30 of the City Code. Police or Code Compliance officers will coordinate enforcement with the Department of Tourism and Cultural Development. As an alternate and supplemental remedy, the City may enforce these Guidelines by injunctive relief in any court of competent jurisdiction and, in such circumstances the City shall be entitled to recover its reasonable attorneys' fees and costs.
3. Violations of a Film & Print Permit
An issued Film & Print Permit will have terms and conditions intended to be followed by the Production, unless specific arrangements are made only by the City Manager or his/her designee, in writing, after the event permit is issued. Should such conditions and/or arrangements be violated by the Production, his or her vendors or participants, whether witnessed by City personnel or established by photographic or other evidence or testimony afterwards, the Production would be in violation of the Film & Print permit and be subject to enforcement proceedings as provided by City Code and/or these guidelines.

With the exception of violations for which no correction is possible (e.g. noise violation, production without a required permit, etc.), if the violation is observed by City staff during the active production, the Film & Print producer/permittee will be given a time-certain opportunity (30 minutes or other time period as specified by the City Manager or designee) to correct the violation. Notwithstanding, the City retains discretion to proceed directly to the issuance of a notice of violation if the violation is egregious and/or violates conditions expressly provided for in the permit, or if a prior verbal warning for a violation of the Film & Print Permit has already been provided. Multiple violations shall be treated as one instance when simultaneously observed. Examples of Film & Print permit violations may include, but are not limited to the following, unless specified by the special event permit: violation of the noise ordinance; unauthorized use of public space; use of unapproved and/ or unpermitted structures, generators or production elements with respect to Florida Building Code; improper utilization of the Vehicle Access Pass policy; violation of Florida Department of Environmental Protection (DEP), Miami-Dade Environmental Resource Management (DERM) or Florida Department of Transportation (FDOT) conditions; unauthorized use of branding, promotional activities or sampling; damaging public property without prior approval; or inability to effect proper sanitation plan. Any film or print activity that takes place without a Film & Print permit cannot by its nature be corrected and must be cited and shut down immediately.

The City may issue a verbal warning for first time violations in lieu of a first offense fine.

Such fines are in addition to and separate from any violations issued by the City for noncompliance with other sections of the City Code. Imposition of fines shall be subject to appeal to the Special Master. The City reserves its rights to pursue alternate enforcement proceedings and penalties as provided for and allowed by law.

4. The following penalties shall be imposed in addition to any fines for violations specified above or of Section 12-5 of the City Code:
 - A. If the offense is the fourth offense within the preceding 12 month period of time, in addition to the fine, the property and/or Film & Print Production will be restricted from receiving a Film & Print permit for a three (3) month period of time.
 - B. If the offense is the fifth offense within six (6) months following the fourth offense, in addition to any fine, the property and/or Film & Print producer or and/or permittee will be restricted from receiving a Film & Print permit for an additional six (6) months period of time. Furthermore, the property and/or the Film & Print Production shall be considered to be a habitual offender.
 - C. Notwithstanding the above, for repeat and/or habitual offenders, the City Manager may decline to issue future Film & Print permits to such person or

entity for one year, or such other period as the City Manager deems appropriate.

Each violation shall constitute a separate offense for which a separate fine shall be imposed.

5. An offense shall be deemed to have occurred on the date the violation occurred. Restrictions imposed pursuant to this section shall be imposed by City Administration after finding an offense warranting suspension or restriction has occurred.

IX. MISCELLANEOUS

1. Cast/crew may not trespass onto other neighbor's or merchant's property. All personnel should remain within the boundaries of the property that has been permitted for filming.
2. Residents should never be prevented from accessing their street, driveway or home as a result of film production except for brief periods when scenes are being shot.
3. Production shall make every effort to maintain minimal noise levels at all times. In the performance of the filming activity, vehicle engines and generators shall be turned off as soon as possible, crew shall refrain from unnecessary shouting and production radio volumes shall be conducive to effecting communication without being obtrusive to the surrounding neighborhood. If complaints of excessive noise levels occur, a representative of the production company shall attempt to identify, correct and/or modify the noise source.
4. Removing, trimming and/or cutting of vegetation or trees are prohibited unless approved by the Film & Print Office and coordinated with City Parks Department. In most instances, a County and or State DEP tree trimming or removal permit will be required.
5. Productions may not impede normal residential services such as garbage collection and street cleaning without securing prior City approval.
6. At no time may production disrupt regular mail service.
7. Arrangements for the removal of production-generated refuse are the sole responsibility of the production.
8. When blockage of pedestrian right of way is anticipated, productions must submit a site plan to the Office of Film & Print for approval.
9. ADA compliant crossovers must be used to safely cover all cables placed on streets and sidewalks.
10. When filming occurs where pedestrians who are not associated with the production will be present, proper wayfinding signage must be provided by the production company and off-duty officers shall be stationed throughout the set in order to direct pedestrians politely and safely through or around set.
11. Catering may only occur in pre-approved areas, and may not present any safety hazard or public nuisance.
12. All smoking refuse must be properly disposed of in marked 'butt-cans' or other specifically designated receptacles.
13. Cast/crew may not bring pets to location, unless part of the production, and noted by the Film & Print Office on the permit.

14. Signs utilized for the direction of cast/crew must be identified by location in advance and removed immediately upon completion of permitted use. Signs that are not removed promptly after production may be subject to a fine.

X. REVISIONS

The Mayor and City Commission may adopt by resolution Film and Print regulations and the City Manager or the Manager's designee will administer the regulations as they pertain to film and print productions working within the city. The Manager may authorize amendments to the regulations proposed by the administration, and shall present such amendments to the City Commission for approval, by resolution.

XI. COMMUNITY

Miami Beach is proud of its community's spirit of giving and cooperation. We invite production companies who film in Miami Beach to contribute leftover food and expendables to local non-profit groups needing assistance. We appreciate any efforts you make to assist our community in better understanding the production process. The Film & Print Office will assist in facilitating appointments for members of your cast or crew to talk to students in local schools and meet with members of our community.

The City of Miami Beach is undergoing an extensive effort to improve quality of life in our residential neighborhoods. Productions are encouraged to consider assisting in these neighborhood initiatives. If a production is capable of making lasting contributions to the community, the City would be happy to help facilitate these efforts.

XII. OTHER GOVERNMENT AGENCIES

A. Miami-Dade County Beach Maintenance

Miami-Dade County Beach Maintenance must be contacted when the applicant requires the beach to be raked and cleaned prior to the regular scheduled maintenance or when the applicant's presence on the beach may interfere with the regular scheduled maintenance. (Beach Maintenance: 305/868-7075)

B. Florida Department of Transportation

Contacted when the applicant will be filming on State roadways (MacArthur Causeway, Arthur Godfrey Road, Julia Tuttle Causeway, Alton Road, Fifth Street, Collins Avenue north of 5th Street, Indian Creek Drive) that are within the City's boundaries but are under the jurisdiction of the State. If the applicant will be interfering with the normal flow of vehicular traffic on these roadways, a State permit must be obtained in addition to the City's permit and the use of City of Miami Beach Police Off-Duty personnel is mandatory. (FDOT: 305/470-5368)

C. Miami Dade County Turtle Program

It is turtle nesting season each year April through October and activities on the beach may be subject to additional conditions. (For more information, please contact Bill Ahern at Haulover Beach Park, 305/947-3525).

XIII. ASSOCIATIONS & PROPERTY OWNERS

A. Mercantile Associations

Contacted when the applicant requires the use of any portion of a city block in such a manner that may interfere with daily business operations and/or pedestrian/vehicular rights-of-way.

B. Individual/Commercial Property Owners

Contacted when the applicant requests the use of public property (e.g., sidewalk, curb, loading zone, parking meter, alleyway, park area, median, roadway, etc.) directly in front, behind, across or next to a specific parcel of non-public property and/or when the individual/commercial property will appear in the production. When an individual/commercial property will appear prominently in any production, written approval from the property may be required before a permit is issued.

Confirmation from these departments, associations and property owners must be obtained by the applicant. All confirmations and/or additionally required permits will be verified by the Film & Print Office prior to the issuance of any permit.

XIV. SUMMARY

Because no two requests are the same, due to the creative nature of the entertainment industry, it may be necessary to impose additional requirements. The best guideline is courtesy to the Miami Beach community. Proper planning and notification is the key to any successful production. No matter the size of the production, all parties are encouraged to contact the Film & Print Office as soon as they know about any projects scheduled in the City of Miami Beach.

**MIAMI BEACH
FILM & PRINT DIVISION
PRODUCTION INCENTIVES PROGRAM**

The Film & Print Office of Miami Beach offers the following incentives to productions shooting in Miami Beach. To take advantage of this program productions can contact us by phone: 305/673-7070, by email: film@miamibeachfl.gov, or visit the website at www.filmiamibeach.com. We encourage any production wishing to take advantage of these incentives to contact to the City's Film & Print Office as far ahead of the production date as possible.

FILM, VIDEO AND PHOTO PRODUCTION INCENTIVE

This program is available to all permitted productions:

- A free permit option is available to all users.
- One free vehicle beach access pass per day
(an off-duty Miami Beach police officer is required to be on site with any production bringing vehicles on to the beach)
- Waiver of all administrative fees related to the hiring of police off-duty officers for film, video and photo productions.

No-cost Convention Center Parking

When not in use for a convention or other City event, the Convention Center Parking Lot can be made available to productions for no-cost crew parking or base camps. This must be arranged prior to the production start date.

- NOTE: Consideration for neighboring residents and businesses would be paramount in permitting the use of this Lot. Guidelines established for Residential Filming would be applied to Convention Center parking requests and will address hours of operation and any aspects of the production that may have an impact on the surrounding residents. These guidelines require a percentage of affirmative "sign-offs" from affected neighbors for parking requests which exceed "normal" hours of operation and specifically address residential concerns in respect to productions.

Beach Access

- During the months of June through October, vehicle access passes (above and beyond the one free each day) shall be reduced by 50% to \$75.00 (per vehicle/per day).
- Productions which demonstrate no less than 100 Miami Beach hotel room nights (via manifest or letter from property) may receive ten vehicle access passes for free with any additional passes issued at the reduced rate of \$75.

Scouting Permits

Temporary scouting permits are available on a per project basis at the direction of the Film & Print Division. The permit will allow cars to park at legal metered parking at no cost and within all residential zones. It also allows a maximum of 20 minute parking in

(marked) loading zones. Scouting permits are limited in time (typically not for more than one day), and are \$25 per day.

Production Company Mobile Unit (PCRVR) Permit

A PCRVR pass allows production units (RVs) to park in metered spaces without “feeding” the meters while there. This applies to legal parking spaces only and does not apply to Residential Parking Zones. The PCRVR pass is available for \$50 per month/per vehicle.

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RESOLUTION TO BE SUBMITTED

C7 - Resolutions

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Professional Services Agreement With Industrial/Organizational Solutions, Inc., Approved By The City Commission On July 18, 2012, Said Amendment To Provide Additional Testing Services During The Third Contract Year For Non-Certified Police Officer Trainees, Certified Police Officers And Fire Fighters; And Requesting Additional Funding, In An Amount Not To Exceed \$85,000.

(Human Resources)

(Item to be Submitted in Supplemental)

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R2

COMPETITIVE BID REPORTS

R2

Condensed Title:

REQUEST FOR APPROVAL TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR DESIGN BUILD SERVICES FOR THE CONSTRUCTION OF A STORMWATER PUMP STATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ADVERTISE FOR THE INSTALLATION OF A STORM WATER PUMPING STATION AND ASSOCIATED STORM SEWER IMPROVEMENTS FOR NORTH BAY ROAD, ALTON ROAD AND THE ENTRANCE TO MOUNT SINAI HOSPITAL.

Key Intended Outcome Supported:

Ensure reliable stormwater management and resiliency against flooding by implementing select short and long-term solutions including addressing sea-level rise.

Item Summary/Recommendation:

This proposed pump station is part of the ongoing effort the City of Miami Beach is currently undertaking to improve the existing drainage conditions citywide and to provide a higher level of service by reducing flooding due to: extreme high tides, increased rainfall intensity and duration. The new pump station will be designed to convey stormwater runoff resulting from a 5-year 24-hour rainfall event. The improvements will serve the entrance to the Mount Sinai Hospital (a critical facility) and portions of Alton Road and North Bay Road.

The City shall prepare the Design Criteria Package for the Project that will serve to define the design requirements for development of construction documents by the selected Design Build (DB), and for submission of their price proposal. The stormwater project will consist of the installation of a pump station and improvements to the existing storm water underground infrastructure system in the area. The City Commission's approval of this item will allow staff to initiate the appropriate procurement process by advertising the RFP for design build services for this project.

The selected DB Firm pursuant to the RFP will be responsible for the design and construction. The contract with the successful DB Firm will be awarded in accordance with the established requirements for award of design build contracts.

The Administration recommends that the Mayor and City Commission approve the issuance of Request for Proposals (RFP) for Design/Build Services for the construction of a storm water pump station and associated storm sewer system to serve the entrance to Mount Sinai Hospital, Alton Road and North Bay Road area.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
OBPI	Total		
Financial Impact Summary:			

City Clerk's Office Legislative Tracking:

Eric Carpenter, Public Works X6012

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JJF	ETC <i>EC</i>	JLM <i>JLM</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: February 10, 2016

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR DESIGN BUILD SERVICES FOR THE CONSTRUCTION OF A STORMWATER PUMP STATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ADVERTISE FOR THE INSTALLATION OF A STORM WATER PUMPING STATION AND ASSOCIATED STORM SEWER IMPROVEMENTS FOR NORTH BAY ROAD, ALTON ROAD AND THE ENTRANCE TO MOUNT SINAI HOSPITAL.**

ADMINISTRATION RECOMMENDATION

Approve the Issuance of the RFP for pump station and associated storm sewer improvements.

BACKGROUND

This pump station is part of the ongoing effort the City of Miami Beach is currently undertaking to improve of the existing drainage conditions citywide and to provide a higher level of service by reducing flooding due to: extreme high tides, increased rainfall, intensity and duration. The new pump station will be designed to convey stormwater runoff resulting from a 5-year 24-hour rainfall event. The improvements will serve the entrance to the Mount Sinai Hospital (a critical facility) and portions of Alton Road and North Bay Road.

The City shall prepare the Design Criteria Package for the Project that will serve to define the design requirements for development of construction documents by the selected Design Build (DB), and for submission of their price proposal. The stormwater project will consist of the installation of a pump station and improvements to the existing storm water underground infrastructure system in the area. The City Commission's approval of this item will allow staff to initiate the appropriate procurement process by advertising the RFP for design build services for this project.

The selected DB Firm pursuant to the RFP will be responsible for the design and construction. The contract with the successful DB Firm will be awarded in accordance with the established requirements for award of design build contracts.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the issuance of Request for Proposals (RFP) for Design/Build Services for the construction of a storm water pump station and associated storm sewer system to serve the entrance to Mount Sinai Hospital, Alton Road and North Bay Road area.

JLM/ETC/JJF/BAM/WRB

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ORDINANCES

Condensed Title:

An Ordinance establishing Chapter 133 in the Land Development Regulations of the City Code entitled "Sustainability and Resiliency;" authorizing property owners and developers to pay a Sustainability Fee or post a bond, in the amount of five percent (5%) of the total construction cost into the City's Sustainability Fund, which is reimbursable pursuant to the level of Green Building compliance achieved; establishing a Sustainability and Resiliency Fund for the deposit of the sustainability fees; and repealing Chapter 100, entitled "Sustainability."

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:**SECOND READING – PUBLIC HEARING**

The subject Ordinance would encourage the development of Sustainable Buildings by requiring eligible projects to pay a Sustainability Fee or post a bond in the amount of 5% of total construction costs. The funds would be deposited into the "Sustainability and Resiliency Fund." Within a year, with a possible six (6) month extension, of obtaining a Certificate of Occupancy or Certificate of Completion, the applicant may apply for a refund of all or a portion of the fee contingent on the level of Green Building Certification achieved.

On July 29, 2015, the Land Use and Development Committee recommended in favor of the ordinance and that the City Commission refer the attached Ordinance Amendment to the Planning Board. On September 2, 2015, the City Commission referred the item to the Planning Board (Item C4E).

On January 13, 2016, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the attached Ordinance at First Reading; and 3) scheduled a Second Reading Public Hearing for February 10, 2016.

The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

On December 15, 2015, the Planning Board reviewed the proposed ordinance and endorsed it with a favorable recommendation (Vote of 7-0). Due to a change in the Title, the matter must be re-noticed for final Planning Board action and transmittal. The Planning Board ratified its recommendation after a public hearing on January 26, 2016 and transmitted the item to the City Commission with a favorable recommendation, inclusive four modifications that were suggested by staff (Vote of 7-0)

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **Ordinance Amendment – Sustainability and Resiliency**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY ESTABLISHING CHAPTER 133, ENTITLED "SUSTAINABILITY AND RESILIENCY;" ESTABLISHING REQUIREMENTS FOR GREEN BUILDING CERTIFICATION AS A REQUIREMENT DURING ZONING REVIEW OF NEW PROJECTS OVER A CERTAIN SIZE ("ELIGIBLE PROJECT(S)"); ESTABLISHING A SUSTAINABILITY FEE PROGRAM FOR PROJECTS THAT DO NOT ACHIEVE THE REQUIRED GREEN BUILDING CERTIFICATION LEVEL; AUTHORIZING PROPERTY OWNERS AND DEVELOPERS TO PAY A SUSTAINABILITY FEE, OR, IN THE ALTERNATIVE, POST A BOND, IN THE AMOUNT OF FIVE PERCENT (5%) OF THE TOTAL CONSTRUCTION COST FOR THE ELIGIBLE PROJECT(S), INTO THE CITY'S SUSTAINABILITY FUND, WHICH BOND OR FUNDS ARE REIMBURSABLE TO THE PROPERTY OWNER OR DEVELOPER PURSUANT TO THE LEVEL OF GREEN BUILDING COMPLIANCE ACHIEVED BY THE "ELIGIBLE PROJECT"; ESTABLISHING A SUSTAINABILITY AND RESILIENCY FUND FOR THE DEPOSIT OF THE SUSTAINABILITY FEES GENERATED THROUGH THE SUSTAINABILITY FEE PROGRAM, AND PROVIDING THE USES FOR WHICH THE FEES DEPOSITED IN THE SUSTAINABILITY AND RESILIENCY FUND CAN BE USED; AND REPEALING CHAPTER 100, ENTITLED "SUSTAINABILITY" AS DUPLICATIVE AND CONTRADICTORY TO THE SUSTAINABILITY AND RESILIENCY REVISIONS OF CHAPTER 133; PROVIDING FOR REVIEW; APPLICABILITY; CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance with modifications.

BACKGROUND

On April 15, 2015, at the request of Commissioner Micky Steinberg, the City Commission referred an item to the Sustainability and Resiliency Committee, regarding the provision of renewable energy sources in new construction projects (Item C4G). On May 6, 2015, at the request of Commissioner Micky Steinberg, the City Commission referred the item to the Land Use and

Development Committee (Item C4H).

On June 24, 2015, the Sustainability and Resiliency Committee discussed the item and continued it to the July 22, 2015 meeting. On July 22, 2015, the Sustainability and Resiliency Committee discussed the item and recommended in favor of the item with a modification that LEED requirements apply to large scale single-family residences, as well as commercial new construction. Staff was also directed to research the average square footage of a single-family residence to determine the appropriate threshold.

On June 17, 2015, the Land Use and Development Committee continued the item to the July 29, 2015 meeting. On July 29, 2015, the Land Use and Development Committee recommended that the City Commission refer the attached Ordinance Amendment to the Planning Board, with a modification that the applicable square footage be reduced to 7,000 square feet. The Land Use Committee also requested that focus groups be convened for additional input, prior to the matter being considered by the Planning Board.

On September 2, 2015, the City Commission referred the item to the Planning Board (Item C4E).

On November 4, 2015, upon the recommendation on the Land Use and Development Committee, a focus group meeting was held with developers and other affected parties to discuss the impact of the proposed Ordinance amendment on development in the City.

On October 27, 2015, the Planning Board continued the item (File No. 2290) to the November 24, 2015 meeting. On November 24, 2015, the Planning Board continued the item to the December 15, 2015 meeting.

On December 15, 2015, the Planning Board withdrew File No. 2290A and replaced it with File No. 2290B, in order to incorporate an updated title for the proposed Ordinance amendment. The Planning Board then discussed File No. 2290B, provided a tentative favorable recommendation, and continued the item to January 26, 2016 for final ratification of the recommendation.

On January 13, 2016, the City Commission 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the attached Ordinance at First Reading; and 3) scheduled a Second Reading Public Hearing for February 10, 2016.

ANALYSIS

According to the U.S. Environmental Protection Agency (EPA), existing buildings are one of the biggest contributors to environmental pollution in the U.S., accounting for 40 percent of total energy use, 72 percent electricity consumption, 39 percent of the carbon dioxide emissions, and 13 percent of total water consumption.

The U.S. Green Building Council (USGBC) has developed Leadership in Energy and Environmental Design (LEED) green building rating system to address design and construction activities to improve energy efficiency and sustainability of residential and commercial buildings. LEED certified buildings save money and resources and have a positive impact on the health of occupants, while promoting renewable, clean energy.

Additionally, the International Living Future Institute developed an international sustainable building certification program called the Living Building Challenge. The Living Building Challenge is the built environment's most rigorous performance standard, which calls for the creation of building projects at all scales that operate as cleanly, beautifully and efficiently as nature's architecture.

Staff has developed a draft ordinance, establishing regulations and procedures that will help the city become more resilient and strongly encourage green building. Green Building Certification promotes efficient design, construction, operation, maintenance and deconstruction of buildings and site development. The green building provisions are designed to achieve the following objectives:

- (1) Increase energy efficiency in buildings;
- (2) Encourage water and resource conservation;
- (3) Reduce waste generated by construction projects;
- (4) Reduce long-term building operating and maintenance costs;
- (5) Improve indoor air quality and occupant health;
- (6) Contribute to meeting state and local commitments to reduce greenhouse gas production and emissions; and
- (7) Encourage sound urban planning principles.

There were concerns regarding the impact of this program on single-family residential properties. An analysis of the single family homes that have been approved by the Design Review Board or have an approved building permit over the six months prior to September indicates that the average size of new homes is expected to be 6,452 square feet; the median size is 5,165 square feet; and the top 25% of homes are larger than 7,186 square feet. It is suggested that larger homes, which will have the greatest environmental impact, be built to Green Building standards in order to mitigate their impact. As a result, the proposed ordinance proposes applies to the following types of development:

- (1) All new construction that proposes over 7,000 square feet of construction of a structure; or
- (2) Ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area.

Sustainability Fee Program

In order to achieve green building standards, the proposed ordinance requires the payment of a Sustainability Fee for eligible buildings prior to obtaining a Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or Certificate of Completion (CC). This fee is set as a five (5%) percent of the construction valuation. The proposed fee is based on research that indicates that this is the average cost of achieving LEED Gold Certification. The proposed ordinance then provides for refunds of the fee based upon the level of green building certification achieved. The level of the refund is detailed in the following table:

Certification Compliance Schedule

Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for meeting certain Green Building certification levels
Failure to obtain Certification	0% refund of bond or payment of Sustainability fee
LEED Certified	50% refund of bond or payment of Sustainability Fee
LEED Silver Certified	66% refund of bond or payment of Sustainability Fee
LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified	100% refund of bond or payment of Sustainability Fee
LEED Platinum Certified or International Living Future Institute Living Building Challenge Certified	100% refund of bond or payment of Sustainability Fee

The level of the refund is based upon the estimated cost of achieving the indicated LEED green building certification levels. The participant is required to obtain green building certification within a year of obtaining a Certificate of Occupancy (CO) or Certificate of Completion (CC), with the possibility of a one year extension, in order to obtain the refund.

The base Living Building Challenge certification provides for a very high level of sustainable practices that are equivalent, if not more stringent than LEED Gold Certification. Because the Living Building Challenge provides no equivalent standard to LEED Silver or LEED Certified, no refund is indicated for the Green Building Challenge at those levels.

Sustainability and Resiliency Fund

The fees collected as part of this program will be used to establish a Sustainability and Resiliency Fund. These funds will be used to include improvements that increase the resiliency of the City such as:

- (1) Environmental restoration projects;
- (2) Environmental remediation projects;
- (3) Environmental monitoring;
- (4) Green infrastructure;
- (5) Enhanced storm water quality and quantity improvements; and/or
- (6) Sustainability planning efforts.

The Sustainability and Resiliency Fund could therefore be used to fund resiliency projects such as living shorelines, water quality monitoring, soil remediation, and establishing alternative forms of energy. It could also be used to supplement resiliency elements of existing capital improvement

projects including incorporating bioswales and urban trees into existing street scape projects, water conservation irrigation systems, and enhanced water quality elements into future storm water and greywater projects.

Review

The proposed ordinance would require that within 15 months of the effective date of the Ordinance a progress report be submitted to the City Commission to review the success on the regulations. Such review at minimum shall address the following:

- (1) Whether the sustainability requirements sufficiently respond to the climate of Miami Beach;
- (2) The effectiveness of the Sustainability Fee; and
- (3) The effectiveness of the review procedures.

PLANNING BOARD REVIEW

On December 15, 2015, the Planning Board reviewed the proposed ordinance and endorsed it with a favorable recommendation. Due to a change in the Title, the matter was re-noticed for final Planning Board action and transmittal. The Planning Board ratified its recommendation after a public hearing on January 26, 2016 and transmitted the item to the City Commission with a favorable recommendation, inclusive four modifications that were suggested by staff. The modifications are identified in the update section of the memorandum.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the “City of Miami Beach shall consider the long term economic impact (at least five years) of proposed legislative actions,” this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least five years) of this proposed legislative action. The proposed ordinance is not expected to have a negative fiscal impact upon the City.

UPDATE

At first reading approval of the proposed ordinance on January 13, 2016, the City Commission requested that staff research the cost and timeframes associated with the review for green building certification. The USGBC’s current fee for LEED Certification standard review of a building that is less than 50,000 square feet, excluding parking, is approximately \$3,150 for USGBC members. The current fee for buildings over 50,000 square feet, excluding parking, is \$0.045 per square foot, in addition to a \$900 registration fee. Therefore, a 100,000 square foot building could expect a fee of \$5,400 from the USGBC. There may be additional costs should the applicant wish to hire a green building consultant; however, many architects are already certified by green building agencies and are able to design sustainable and resilient buildings without the need for additional consultants. The standard review time for plans is 20 to 25 business days; however, the applicant may request an expedited review of 10 to 12 business days for an additional \$10,000.

As it relates to the overall cost to the overall project, the implementation of LEED standards can vary widely, depending upon the credits sought. In addition, the cost of achieving certain credits can vary depending on the size of the building, location, and uses provided. Research indicates that the overall estimated cost of achieving LEED Gold certification varies between 0.3 and five percent above the cost of a project that did not seek any certification.

Additional research was performed regarding the credits that will be available to developers in the City. By virtue of the walkable, mixed-use nature of Miami Beach and existing zoning, building,

plumbing, and stormwater requirements, many developers will find that they will automatically be eligible for 15 to 16 credits out of the 60 required credits (25 to 27 percent) along with several of the prerequisites necessary to achieve LEED Gold Certification.

Finally, the Commission also requested that local green building certification options be identified. Since the City does not have the authority to amend the Florida Building Code, such an option would involve an amendment to the Land Development Regulations. The City could adopt standards similar to those used by the USGBC; however, the City's departments involved in land development presently do not have the expertise necessary should such an option be desired. This includes experts in energy modeling, energy optimization, refrigerant management, indoor/outdoor water efficiency, product and raw material sourcing, building material reuse, and indoor air quality. Additional staff would also be necessary for environmental site assessment and remediation. In addition, as technology is constantly changing, there would be a need for continuing education and updating of the adopted standards.

Proposed Modifications

Additional feedback was sought out from developers and green building consultants in regards to the impacts of the proposed ordinance. Based on the feedback, the following modifications are suggested to the proposed ordinance, which were transmitted to the City Commission with a favorable recommendation by the Planning Board:

- (1) **Modify the definition of “LEED” from the “most recent” edition to an “effective” edition.** This modification will ensure that there are no discrepancies when a new version of LEED standards is released and a prior version is still active.
- (2) **Clarify the titles for the International Living Future Institute certifications in the Certification Compliance Schedule.** This modification corrects the names for the certification types available from the International Future Living Institute.
- (3) **Modify when the Sustainability Fee is due from prior to obtaining “Building Permit” to prior to obtaining “Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first.”** Subsequent to discussions with stakeholders, it became apparent that obtaining financing for the Sustainability Fee prior to obtaining a building permit may prove difficult, as several financial institutions do not release funds until a building permit is issued. The proposed modification addresses that concern. In addition, it may be possible for green building certification to be obtained prior to the TCO, CO or CC application, allowing for the possibility that collection of a Sustainability Fee not be necessary or that the fee be reduced based on the level of compliance achieved.
- (4) **Increase the length of the extension of refund period from six months to one year.** This modification is recommended in case there any unforeseen events in the construction process that may extend the certification timeframe.

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance with the following amendments:

- (1) **Modify the definition of “LEED” from the “most recent” edition to an “effective” edition, as follows:**

Sec. 133-1 – Definitions.

* * *

LEED means the most recent an effective edition of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for Building Design and Construction or Homes, as applicable, of the United States Green Building Council (USGBC).

- (2) Clarify the titles for the International Living Future Institute certifications in the Certification Compliance Schedule, as follows:

Sec. 133-6. – Sustainability Fee Calculation.

* * *

Certification Compliance Schedule

<u>Level of Certification Achieved</u>	<u>Sustainability Fee Reimbursement to Participant for meeting certain Green Building certification levels</u>
<u>Failure to obtain Certification</u>	<u>0% refund of bond or payment of Sustainability fee</u>
<u>LEED Certified</u>	<u>50% refund of bond or payment of Sustainability Fee</u>
<u>LEED Silver Certified</u>	<u>66% refund of bond or payment of Sustainability Fee</u>
<u>LEED Gold Certified or Living Building Challenge Certified</u> <u>International Living Future Institute</u> <u>Petals or Net Zero Energy Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>
<u>LEED Platinum Certified or</u> <u>International Living Future Institute</u> <u>Living Building Challenge Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>

- (3) Modify when the Sustainability Fee is due from prior to obtaining “Building Permit” to prior to obtaining “Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first,” as follows:

Sec. 133-6. – Sustainability Fee Calculation.

- (a) In order to obtain a building permit Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or Certificate of Completion (CC), whichever comes first, the eligible participant must first post a Sustainability Fee payment bond or issue full payment of the Sustainability Fee to the City. The Sustainability Fee shall be valued at five percent (5%) of the total construction valuation of the building permit. However, the eligible participant may be entitled to a refund or partial refund, of the bond, or payment of the Sustainability Fee, based upon achieving the program certification levels in the compliance schedule below:

* * *

If the proof of green building certification is provided prior to the obtaining a CC or CO,

the “Sustainability Fee” shall be in the full amount identified above, minus the refund for the level of green building certification achieved identified in the Certification Compliance Schedule.

- (b) The Sustainability Fee shall be valued upon the eligible participant’s submittal at time of application for ~~building permit~~ Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first, upon review by the planning department during zoning review of the ~~permit certificate~~. The Sustainability Fee bond or full payment shall be provided by participant prior to obtaining a Temporary Certificate of Occupancy (TCO), Certificate of occupancy (CO) or Certificate of Completion, whichever comes first. ~~building permit~~.

* * *

Sec. 133-7 – Review Procedures.

- (a) Prior to obtaining a ~~building permit~~ Temporary Certificate of Occupancy, Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first, the qualifying projects shall post a bond with the City, or in the alternative, provide a payment to the City, in the amount of the “Sustainability Fee” identified in Section 133-6(a).

- (4) Increase the length of the extension of refund period from six months to one year, as follows:**

Sec. 133-7 – Review Procedures.

* * *

- (2) The Planning Director may approve, upon the request of the eligible participant, a one-time ~~six (6) month~~ one (1) year extension, provided proof that the green building certification agency’s review remains pending to determine final certification.

JLM/SMT/TRM/ESW/FCT/RAM

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SUSTAINABILITY AND RESILIENCY

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY ESTABLISHING CHAPTER 133, ENTITLED "SUSTAINABILITY AND RESILIENCY;" ESTABLISHING REQUIREMENTS FOR GREEN BUILDING CERTIFICATION AS A REQUIREMENT DURING ZONING REVIEW OF NEW PROJECTS OVER A CERTAIN SIZE ("ELIGIBLE PROJECT(S)"); ESTABLISHING A SUSTAINABILITY FEE PROGRAM FOR PROJECTS THAT DO NOT ACHIEVE THE REQUIRED GREEN BUILDING CERTIFICATION LEVEL; AUTHORIZING PROPERTY OWNERS AND DEVELOPERS TO PAY A SUSTAINABILITY FEE, OR, IN THE ALTERNATIVE, POST A BOND, IN THE AMOUNT OF FIVE PERCENT (5%) OF THE TOTAL CONSTRUCTION COST FOR THE ELIGIBLE PROJECT(S), INTO THE CITY'S SUSTAINABILITY FUND, WHICH BOND OR FUNDS ARE REIMBURSABLE TO THE PROPERTY OWNER OR DEVELOPER PURSUANT TO THE LEVEL OF GREEN BUILDING COMPLIANCE ACHIEVED BY THE "ELIGIBLE PROJECT"; ESTABLISHING A SUSTAINABILITY AND RESILIENCY FUND FOR THE DEPOSIT OF THE SUSTAINABILITY FEES GENERATED THROUGH THE SUSTAINABILITY FEE PROGRAM, AND PROVIDING THE USES FOR WHICH THE FEES DEPOSITED IN THE SUSTAINABILITY AND RESILIENCY FUND CAN BE USED; AND REPEALING CHAPTER 100, ENTITLED "SUSTAINABILITY" AS DUPLICATIVE AND CONTRADICTORY TO THE SUSTAINABILITY AND RESILIENCY REVISIONS OF CHAPTER 133; PROVIDING FOR REVIEW; APPLICABILITY; CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, greenhouse gas emissions are a contributor to sea level rise, which is a threat to public health, safety, and general welfare of the citizens of Miami Beach; and

WHEREAS, it is in the best interest of the City to promote the economic and environmental health in the City through sustainable and environmentally friendly design and construction which reduces demand for energy and reduces greenhouse gas emissions; and

WHEREAS, the United States Green Buildings Council (USGBC) has developed the Leadership in Energy and Environmental Design (LEED) rating system that is a consensus based certification program for design of sustainable buildings; and

WHEREAS, the LEED green building certification program recognizes best-in-class building strategies and practices; and

WHEREAS, the International Living Future Institute developed an international sustainable building certification program called the Living Building Challenge, encouraging the creation of Living Buildings, Landscapes and Communities in countries around the world while inspiring, educating and motivating a global audience about the need for fundamental and transformative change; and

WHEREAS, the Living Building Challenge is the built environment's most rigorous performance standard, which calls for the creation of building projects at all scales that operate as cleanly, beautifully and efficiently as nature's architecture; and

WHEREAS, LEED and Living Building Challenge certified buildings conserve materials, energy, water and other natural resources as well as provide occupants with healthier and more productive interior environments; and

WHEREAS, high performance sustainable building and development is a means of balancing economic development with the preservation of quality of life; and

WHEREAS, high performance buildings provide occupants and visitors with a healthier and more productive environment due to the use of more natural materials and this increase in worker productivity can produce enormous economic benefits, as worker salaries are historically an organization's largest expense; and

WHEREAS, it is in the City's best interest to encourage the remediation of Brownfield sites, which is further encouraged through the use of green building standards; and

WHEREAS, the City's 2025 Comprehensive Plan requires the encouragement of infill and redevelopment that is supportive of mobility alternatives, such as walking, bicycling, and the use of transit, which is further encouraged through the use of green building standards, which provide credit for features such as proximity to transit, bicycle parking and shower facilities, proximity to diverse uses, and location of building entrances; and

WHEREAS, the City's 2025 Comprehensive Plan requires open space in conjunction with every new public and private sector development project, which is further encouraged through the use of green building standards which provide credit for the inclusion of open space; and

WHEREAS, studies have indicated that green buildings have lower maintenance costs associated with lower energy consumption, which will improve the City's long-term economic well-being; and

WHEREAS, the City of Miami Beach has endorsed the Compact of Mayors pledge to reduce city-level greenhouse gas (GHG) emissions, to track progress, and to enhance resilience to climate change, in a consistent and complimentary manner to national level climate protection efforts; and

WHEREAS, to meet the requirements of the Compact of Mayor's pledge, the City needs to build and complete a community-wide GHG inventory with a breakdown of emissions for buildings and transport sectors, set a target to reduce its GHG emissions, and conduct a climate change vulnerability assessment; and

WHEREAS, green building certifications recognize that built environments provide a wide-range of GHG emissions reduction opportunities, including strategies related to building systems, transportation, water use, construction, materials, waste management, and land cover; and

WHEREAS, green building certifications strive to transform the way buildings and communities are designed, built, and operated, in order to create buildings and communities that are environmentally and socially responsible, healthy, and prosperous; and

WHEREAS, it is in the interest of the health, safety and welfare of the residents of the City to ensure sustainable construction and to ensure that the City safeguard natural resources, and ensure that efficient buildings are constructed; and

WHEREAS, Chapter 163.04, Florida Statutes is intended to encourage the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources, which is further encouraged by the use of green building standards; and

WHEREAS, the City desires to require Gold LEED standards or Living Building Challenge certification standards on construction within the City, for construction over a certain minimum size, or require the payment of a Sustainability Fee, for failing to meet those minimum standards of sustainability; and

WHEREAS, the value of the Sustainability Fee is based on the mid-range of estimated costs of achieving LEED Gold standards for a construction project; and

WHEREAS, the Sustainability Fee is not an impact fee, but rather a mechanism to ensure compliance with the green building standards; and

WHEREAS, it is the City's expectation that development will comply with the green building standards and that the Sustainability Fee be refunded to the participants; and

WHEREAS, should a development not comply with the green building standards the City will utilize the Sustainability Fee revenue to provide public improvements that increase the sustainability and resiliency of the City; and

WHEREAS, the adoption of the provisions set forth below and the repeal of Chapter 100 are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 133, entitled "Sustainability and Resiliency," of the City Code, is created as follows:

Chapter 133 – SUSTAINABILITY AND RESILIENCY

ARTICLE I. – IN GENERAL

Sec. 133-1 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning, or as may be amended from time to time.

Construction means any project associated with the creation, development, or erection of any structure required to comply with this Chapter.

Enhanced storm water quality and quantity improvements means projects that augment water quality and quantity by: reducing polluted runoff; advancing groundwater recharge, soil infiltration and erosion control; and restoring habitat.

Environmental monitoring means periodic or continuous surveillance or testing to determine the level of compliance required by the Environmental Protection Agency (EPA), Florida Department of Environmental Protection (DEP), or Miami-Dade County Department of Regulatory and Environmental Resources (RER) and/or pollutant levels in various media (air, soil, water) or biota, as well as to derive knowledge from this process. Examples of environmental monitoring include, but are not limited to: water quality sampling and monitoring, groundwater testing and monitoring, and habitat monitoring.

Environmental remediation means clean-up of, or mitigation for, air, soil or water contamination for which the City is legally responsible for environmental clean-up or mitigation.

Environmental restoration means the return of an ecosystem to a close approximation of its condition prior to disturbance.

Green infrastructure means both the natural environment and engineered systems to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife. Green infrastructure uses vegetation, soils, and natural processes to manage natural resources and create healthier urban environments. Examples of green infrastructure practices include, but are not limited to: right-of-way bio-swales, green roofs, blue roofs, rain gardens, permeable pavements, infiltration planters, trees and tree boxes, rainwater harvesting systems.

Green building means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems and materials.

Green building certification agency means the United States Green Building Code (USGBC) or the International Living Future Institute, as may be selected by the eligible participants.

International Living Future Institute means a non-profit organization that created an international sustainable building certification program called The Living Building Challenge. Certification types include Living Building Certification, Petals Certification and Net Zero Energy Building Certification.

LEED means the most recent an effective edition of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for Building Design and Construction or Homes, as applicable, of the United States Green Building Council (USGBC).

Project means any construction associated with the creation, development or erection of any building required to comply with this chapter.

Scorecard means a guide provided by the green building certification agency to assist in determining the total project score and achievable credits and level of certification at the inception of a green building, as provided under this chapter.

USGBC means the United States Green Building Council.

Sec. 133-2. – Intent and Purpose.

The purpose of this chapter shall be to promote sustainable development within the City of Miami Beach by supporting resilient design and construction practices. The City's intent is to establish a certification compliance schedule that incentivizes all qualifying projects to attain at a minimum LEED Gold certification, or similar green building program recognized in this chapter. Sustainable building practices will promote the economic and environmental health of the city, and ensure that the City continues to become environmentally resilient to combat sea level rise and help curb climate change. This chapter is designed to achieve the following objectives:

- a. increase energy efficiency in buildings;
- b. encourage water and resource conservation;
- c. reduce waste generated by construction projects;
- d. reduce long-term building operating and maintenance costs;
- e. improve indoor air quality and occupant health;
- f. contribute to meeting state and local commitments to reduce greenhouse gas production and emissions; and
- g. encourage sound urban planning principles.

ARTICLE II. – GREEN BUILDING REQUIREMENTS

Sec. 133-3. – Sustainability Requirements.

(a) Mandatory compliance with the requirements of this chapter shall be required for all applicants with building permit applications that meet the following criteria (hereinafter "eligible participants"):

- (1) All new construction that proposes over 7,000 square feet of construction of a structure;
or
- (2) Ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area.

Sec. 133-4 Standards.

This chapter shall be administered using standards developed for and standards developed by the United States Green Building Council (USGBC) or the International Living Future Institute. All eligible participants who are certified as having satisfied all of the requirements of the green building certification agency, including but not limited to any monetary or certification requirements, are eligible for a partial or full refund of the sustainability fee identified in Section 133-7, herein based upon the level of compliance with the regulations in this chapter.

ARTICLE III. – SUSTAINABILITY FEE PROGRAM

Sec. 133-5. – Generally.

A Sustainability Fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this article.

Sec. 133-6. – Sustainability Fee Calculation.

- (a) In order to obtain a building permit Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or Certificate of Completion (CC), whichever comes first, the eligible participant must first post a Sustainability Fee payment bond or issue full payment of the Sustainability Fee to the City. The Sustainability Fee shall be valued at five percent (5%) of the total construction valuation of the building permit. However, the eligible participant may be entitled to a refund or partial refund, of the bond, or payment of the Sustainability Fee, based upon achieving the program certification levels in the compliance schedule below:

<u>Certification Compliance Schedule</u>	
<u>Level of Certification Achieved</u>	<u>Sustainability Fee Reimbursement to Participant for meeting certain Green Building certification levels</u>
<u>Failure to obtain Certification</u>	<u>0% refund of bond or payment of Sustainability fee</u>
<u>LEED Certified</u>	<u>50% refund of bond or payment of Sustainability Fee</u>
<u>LEED Silver Certified</u>	<u>66% refund of bond or payment of Sustainability Fee</u>
<u>LEED Gold Certified or Living Building Challenge Certified</u> <u>International Living Future Institute</u> <u>Petals or Net Zero Energy Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>
<u>LEED Platinum Certified or</u> <u>International Living Future Institute</u> <u>Living Building Challenge Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>

If the proof of green building certification is provided prior to the obtaining a TCO, CO, or CC, the “Sustainability Fee” shall be in the full amount identified above, minus the refund for the level of green building certification achieved identified in the Certification Compliance Schedule.

- (b) The Sustainability Fee shall be valued upon the eligible participant's submittal at time of application for building permit Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first, upon review by the planning department during zoning review of the permit certificate. The Sustainability Fee bond or full payment shall be provided by participant prior to obtaining a Temporary Certificate of Occupancy (TCO), Certificate of occupancy (CO) or Certificate of Completion, whichever comes first, building permit.
- (c) Refund of the Sustainability Fee or bond to the eligible participant may occur as provided for in subsection (a), above, provided the eligible participant complies with the certification compliance schedule within the timeframe identified in in Section 133-7(b).
- (d) The entirety of the Sustainability Fee shall be forfeited to the City based upon Participant's failure achieve the applicable green building certification levels identified 133-6(a) within the timeframe identified in Section 133-7(b).

Sec. 133-7 – Review Procedures.

- (a) Prior to obtaining a building permit Temporary Certificate of Occupancy, Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first, the qualifying projects shall post a bond with the City, or in the alternative, provide a payment to the City, in the amount of the "Sustainability Fee" identified in Section 133-6(a).
- (b) Within one year from the receipt of a Certificate of Occupancy (CO) or Certificate of Completion (CC), the owner shall submit proof of green building certification for the development from the green building certification agency.
 - (1) The bond or payment provided, or percentage thereof, shall be refunded to program participants that have achieved a level of green building certification identified in the Certification Compliance Schedule in Section 133-6.
 - (2) The Planning Director may approve, upon the request of the eligible participant, a one-time ~~six (6) month~~ one (1) year extension, provided proof that the green building certification agency's review remains pending to determine final certification.
- (c) Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the City's departments reviewing such applications.
- (d) All building inspections requested for green building projects shall be given priority over projects that are not green building projects.

Sec. 133-8 - Deposit of funds; account.

- (a) The City has established a Sustainability and Resiliency Fund. The revenue generated through the Sustainability Fee Program shall be deposited in the Sustainability and Resiliency Fund.
 - (1) Interest earned under the account shall be used solely for the purposes specified for funds of such account.

- (2) Sustainability fees deposited and credited to the Sustainability and Resiliency Fund account, and credited to the eligible participant, pursuant to 133-7, shall be identified, within the City's Sustainability and Resiliency Fund.
- (3) Appropriation of deposited funds in the Sustainability and Resiliency Fund shall not be permitted until the applicable refund period, established in Section 133-7(b), for those funds has lapsed.
- (4) Should the eligible participant provide a bond, rather than pay the sustainability fee, then, the City shall safeguard the bond, to ensure compliance with this Chapter. The City shall return the bond, or make a claim for a portion of the bond, depending on the eligible participant's compliance with Section 133-7(b) and 133-6(a).
- (b) Earned fees in the Sustainability and Resiliency Fund shall be utilized to provide public improvements that increase the sustainability and resiliency of the City. Expenditures from these funds shall require prior City Commission approval. Prior to any expenditure, the City Manager shall provide a recommendation to the City Commission.
- (c) Such improvements that increase the resiliency of the City may include:
 - (1) Environmental restoration projects;
 - (2) Environmental remediation projects;
 - (3) Environmental monitoring;
 - (4) Green infrastructure;
 - (5) Enhanced storm water quality and quantity improvements; and/or
 - (6) Sustainability planning efforts.

SECTION 2. That Chapter 100, entitled "Sustainability," of the City Code of Ordinances, is hereby amended as follows:

Chapter 100 - ~~Sustainability~~ Reserved

Sec. 100-1. – 100-27. Reserved

ARTICLE I. – GREEN BUILDING ORDINANCE

Sec. 100-1. – Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning, or as may be amended from time to time.~~

~~Building means any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property and includes the word structure and includes any part thereof.~~

~~City means City of Miami Beach.~~

~~Construction means any project associated with the creation, development, or erection of any building eligible for the program.~~

~~Current means the standard in place at the time a program participant submits a project application form with the city.~~

~~Green building means a building whose design, construction and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether a structure is a green building, the city shall rely on the review, evaluation and registration, certificate and/or verification of the design by U.S. Green Building Council, or other recognized green building rating system approved by resolution of the city commission, subject to the requirements of this chapter.~~

~~Green building program means the program outlined in this chapter for obtaining incentives for green buildings and developments.~~

~~Green development means the use of sustainable building and development planning methods utilized in a way that result in minimum impact on natural resources, energy consumption, use of water, use of raw materials and waste generation, thereby affording inhabitants a potentially higher quality of life.~~

~~LEED means Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council, or other recognized green building rating system approved by resolution of the city commission.~~

~~Participant means private property owners.~~

~~Private means property not owned by the city or any of its related agencies.~~

~~Program means the city's green building program.~~

~~Program certification means the final designation awarded to a person participant for satisfying all requirements associated with the program for a particular project.~~

~~Program participant means any person or entity seeking program certification for a particular project.~~

~~Project means any construction associated with the creation, development, or erection of any building eligible for the program.~~

~~Project application form means the form submitted to the city indicating that a program participant is interested in participating in the program for a particular project.~~

~~Structure means anything constructed or erected, the use of which requires permanent location on the ground. Among other things, structures include buildings or any parts thereof, walls, fences, parking garages, parking lots, signs and screen enclosures.~~

~~Sub-program means any area of construction covered by the program.~~

~~Substantial renovation means a renovation at a cost exceeding 50 percent of the value of the building as determined by the building official.~~

~~Sustainable construction means the process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.~~

~~Any word not defined herein shall be construed as provided in section 114.1 of this Code, or in the Florida Building Code, if provided therein, and if in conflict, the most restrictive shall apply.~~

~~Sec. 100-2. Purpose and intent.~~

~~The purpose of this chapter is to establish and promote programs and procedures that will help the city become a more sustainable community. This program shall define and establish new environmental goals and standards for a LEED certification-based green building program with incentives. This program will promote economic and environmental health in the city, through sustainable and environmentally friendly design and construction.~~

~~Sec. 100-3. Government leadership.~~

~~To demonstrate the city's commitment to a green building program, the city shall comply with the green building program established in this article for all government buildings when new construction as provided for in this chapter occurs.~~

~~Sec. 100-4. Designation of responsibility for administration and implementation.~~

~~The program shall be administered by the city manager or designee, who shall be responsible for:~~

- ~~(a) Funding administration of the city's green building program through annual funds budgeted and appropriated by the city commission;~~
- ~~(b) Marketing the program to the community by any reasonably effective means, including but not limited to, press releases, television advertising, or advertising in electronic or print mailers;~~
- ~~(c) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;~~
- ~~(d) Writing policies and procedures for staff implementation of the green building program;~~
- ~~(e) Providing and implementing an incentive award as herein provided to any program participant who has committed to and/or successfully satisfied the requirements associated with that program; and~~
- ~~(f) Resolving disputes that may arise from implementing the program.~~

~~Sec. 100-5. Green building program applicability.~~

~~This program shall be voluntary for all private buildings involving new construction or substantial renovation. This program shall be mandatory for city-owned buildings involving new construction and the architectural plans for which were commenced after July 1, 2008.~~

~~Sec. 100-6. Green building standards.~~

~~In addition to the Florida Building Code's minimum standards, the program shall be administered using the then current standards developed by the U.S. Green Building Council ("USGBC"). These standards shall apply to each sub-program as follows:~~

- ~~(a) New buildings: The program participant shall satisfy all of the requirements associated with the then current USGBC LEED SILVER certification for new construction or derived USGBC LEED rating system (e.g., LEED for schools, LEED for health care) program; and~~
- ~~(b) Renovation of existing buildings: The program participant shall satisfy all of the requirements associated with the then current USGBC LEED SILVER certification for existing buildings, maintenance and operations, or derived USGBC LEED rating system (e.g., LEED for schools, LEED for health care) program.~~

~~If there is a conflict between the USGBC standards and the Florida Building Code ("FBC") or Florida Fire Prevention Code ("FFPC"), the FBC and FFPC take precedence.~~

~~Sec. 100-7. Incentives and bond requirements.~~

- ~~(a) The program shall consist of the following incentives designed to reward owners for green building:~~
 - ~~(1) Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the city's departments reviewing such applications;~~
 - ~~(2) All building inspections requested for green building projects shall be given priority over projects that are not green building projects; and~~
 - ~~(3) Subject to, and within the limits of, funds appropriated annually by resolution of the city commission for the purposes set forth herein, owners or developers of green buildings shall receive a refund of the actual application and review fees for green building program certification and an amount not greater than one percent of the value of the construction, or alternatively 20 percent of the annual allocation, whichever is less, within 180 days of proof of certification by USGBC being submitted in writing to the city. The actual amount of financial incentives to which the applicant might qualify for shall be estimated at the time of issuance of the building permit for the quality project, and held in reserve. The final financial incentives shall be calculated at the time of LEED certification.~~
- ~~(b) In addition to the foregoing, the city shall provide the following marketing incentives:~~
 - ~~(1) Allowing a plaque not to exceed two square feet to be attached to the building designating a project under the program, subject to the review and approval of the city manager or designee and the planning department; such plaque shall be treated as a governmental information sign exempt from permitting but subject to other regulations, as provided in subsection 138-4(1), city Code;~~
 - ~~(2) The inclusion of program participants on a city webpage dedicated to the program;~~
 - ~~(3) Press releases; and~~
 - ~~(4) An award called the "Green Building Award" to be awarded annually to one program participant in each sub-program (e.g., new construction and renovation).~~
- ~~(c) Prior to filing an application for a building permit, or any award of incentives, the participant shall register their intent with the USGBC for LEED certification and obtain in writing a~~

~~proposed checklist of certification points that may be attainable for the project. The participant shall then be required to attend a pre-application meeting with the city manager or designee for the proposed credits for certification and incentives. The checklist and certification details shall be confirmed in writing by the applicant to the city manager or designee, on form established by the city, and through a covenant, recorded in the public records, form approved by the city attorney, between the property owner and the city that the proposed manner of compliance with LEED certification as provided by the program guidelines, policies and procedures will be incorporated into the development and maintained unless released by the city as provided for in the covenant. The participant will provide a performance bond or other security, in a form approved by the city attorney, as follows:~~

- ~~(1) The bond or security shall be in an amount equal to one percent of the value of the proposed construction as determined by the building official;~~
- ~~(2) The bond or security shall be submitted at the time of filing of any application for review of the project by a city board or department, if the applicant seeks any of the incentives provided in subparagraph (a) above;~~
- ~~(3) This bond or security shall be subject to call by the city 180 days from issuance of the certificate of occupancy or certificate of completion, whichever occurs first, if LEED certification has not been achieved by that time. Reasonable extensions of time may be granted by the city manager or designee;~~
- ~~(4) The applicant may request that up to 75 percent of the bond or security be released to the applicant for the purpose of completing improvements necessary for LEED certification, if a good faith effort toward completion is shown, and reasonable assurance provided on the success of plans to complete the LEED certification process, and a failure to complete the improvements is proven to the city manager or designee was no fault of the property owner, or for other good cause shown;~~
- ~~(5) If the applicant takes advantage of any of the incentives provided for herein, and fails to complete LEED certification as committed to, then the city manager or designee, in his or her sole discretion, shall deem such bond or security forfeited to the city as a contribution to the funding of the city's green building program, designated to fund the LEED program objectives as provided for herein, or any other lawful governmental purpose identified by the city commission; and~~
- ~~(6) If the project receives LEED certification prior to the expiration of the 180-day period for above, or extensions of time granted by the manager or designee, and the bond has not been forfeited as provided above, then the bond may be released following submittal to the city of written proof of LEED certification by the USGBC.~~

~~Sec. 100-8. -- Certification.~~

~~The project shall be subject to certification by a qualified independent third party who has been trained and certified as a LEED green building certifier. For the purpose of this section of the program, "third party" means any person or entity authorized according to the requirements of the standards in this article for a particular project.~~

~~Sec. 100-9. -- Education and training.~~

- ~~(a) The city shall conduct or participate in at least one free training workshop per year in Miami Beach for the purpose of educating potential or current program participants about the program.~~

- (b) ~~The city shall encourage not less than two members each of the building, planning department and public works staff to attend at least eight hours of green building training a year.~~

~~Sec. 100-10. -- Index and report.~~

~~The city manager shall semi-annually analyze and report to the city commission on the satisfaction of the green building program's goals and objectives as outlined in this article.~~

~~Sec. 100-11. -- Program review.~~

- (a) ~~Staff review. The city shall provide for a review of the program to determine the need for changes in the program to increase its effectiveness.~~
- (b) ~~Frequency. The program shall be subject to review one year after the effective date of this chapter and thereafter at a frequency of not less than once per year.~~
- (c) ~~Purpose. The purpose of reviewing the program includes, but is not limited to, updating program standards and incentives, recommending program or marketing changes, reviewing suggestions made by program participants, and annually awarding the green building awards of the program.~~

~~Secs. 100-12 -- 100-20. -- Reserved.~~

~~ARTICLE II. -- ENERGY ECONOMIC DEVELOPMENT ZONE PILOT PROGRAM~~

~~Sec. 100-21. -- Purpose.~~

~~The energy economic development zone pilot program was created in 2009, pursuant to F.S. § 377.809, to help communities such as the City of Miami Beach cultivate green economic development, encourage renewable electric energy generation, and manufacture products that contribute to energy conservation and green jobs. The City of Miami Beach is a high-density urban city, which has implemented many sustainability and energy efficiency initiatives. The energy economic development zone pilot program provides the city with additional resources and support to continue implementation of the city's sustainability plan, and it is in the best interest of the city and its citizens to participate in the pilot program.~~

~~Sec. 100-22. -- Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning, or as may be amended from time to time.~~

~~City commission means the Miami Beach City Commission.~~

~~Clean technology sector business means a business that produces products, services, and processes that harness renewable materials and energy sources, dramatically reduce the use of natural resources, and cut or eliminate emissions and wastes.~~

~~Green business means a business that is managed to minimize adverse environmental impacts regardless of the product or services the business offers or a business that has been designated as a Green Business by Miami-Dade County's Green Business Certification.~~

~~Green lodging establishment means a hotel that has been designated as a green lodging establishment by the Florida Department of Environmental Protection.~~

~~LEED means the Leadership in Environmental and Energy Design program administered by the United States Green Building Council.~~

~~Sec. 100-23. -- Energy economic development zone boundaries.~~

~~The energy economic development zone shall be comprised of the entirety of the City of Miami Beach.~~

~~Sec. 100-24. -- Eligibility criteria.~~

~~In order for a business within the City of Miami Beach to be eligible to apply for an energy economic development zone incentive, it must satisfy the following criteria:~~

- ~~(a) The business is located within the boundaries of the energy economic development zone, as defined in section 100-23; and~~
- ~~(b) The business is either a clean technology sector business or a green business, as both are defined in section 100-22, and meets or exceeds the energy efficiency standards set forth in section 100-25; or~~
- ~~(c) The business is LEED certified; or~~
- ~~(d) The business is a green lodging establishment, as defined in section 100-22.~~

~~Sec. 100-25. -- Energy efficiency standards.~~

~~A business within the City of Miami Beach applying for an energy economic development zone incentive must meet one of the following standards:~~

- ~~(a) The business must achieve an Energy Star Rating of 50 or higher in each of the buildings that are the subject of the energy economic development zone application, and attach to the application a report from the Energy Star Portfolio Manager Program verifying the Energy Star Rating; or~~
- ~~(b) The business must achieve the energy efficiency standards of one of the following programs:~~
 - ~~(i) The green lodging program administered by the Florida Department of Environmental Protection; or~~
 - ~~(ii) The Leadership in Environmental and Energy Design Program, administered by the U.S. Green Building Council.~~
 - ~~(iii) The Green Business Certification Program, administered by Miami Dade County.~~

~~Sec. 100-26. -- Program guidelines.~~

~~The city commission may adopt, by resolution, its own energy economic development zone program guidelines, which may include, among other provisions, prioritization of the eligibility criteria; allocation of incentives based on eligibility criteria; and the process for application review and incentive approval, including, but not limited to, a competitive selection process. The~~

~~sustainability committee shall review the city's proposed energy economic development zone program guidelines no later than six months from the date of adoption of this article, and at least annually thereafter throughout the duration of the program, to determine if any revisions should be recommended to the city commission. If the city commission does not adopt the initial guidelines by July 1, 2012, then the city shall implement the program as provided pursuant to the state's guidelines.~~

~~Sec. 100-27. -- Program administration.~~

~~The energy economic development zone program and the incentives provided by the State of Florida to businesses participating in the program will be reviewed and administered by the city's economic development division.~~

SECTION 3. REVIEW.

A progress report shall be presented to the City Commission within fifteen (15) months of the effective date of this Ordinance in order to review the success of the regulations contained within. The review shall at a minimum address the following:

1. The effectiveness of the sustainability requirements to reduce demand for energy and greenhouse gas emissions in Miami Beach. .
2. The effectiveness of the Sustainability Fee at encouraging sustainable development.
3. The effectiveness of review procedures.

SECTION 4. APPLICABILITY.

This Ordinance shall not apply to developments that have an approved Order from the Board of Adjustment, Design Review Board, Historic Preservation Board, or Planning Board issued prior to the effective date of this Ordinance or that have been issued a building permit process number prior to the effective date of this Ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 6. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or reentered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 7. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect on April 1, 2016 following adoption.

PASSED and ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading:
Second Reading:

First Reading: January 13, 2016
Second Reading: February 10, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

(Sponsored by Commissioner Micky Steinberg)

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

February 10, 2016

MIAMI BEACH

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Projects"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s), Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.

An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.

An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement," By Amending Article II, Entitled "Special Master," By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.

An Ordinance Amending Chapter 78 Of The Code Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:20 a.m.

An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:25 a.m. First Reading, Public Hearing

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:26 a.m. First Reading Public Hearing

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations;" Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District;" Division 20, "TC North Beach Town Center Districts;" To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations" Division 2, "Accessory Uses;" Article V, "Specialized Use Regulations;" To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations;" Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.

A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

R5 - Ordinances

R5B Required Off Street Loading Spaces

An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(First Reading on January 13, 2016 - R5L)

(Item to be Submitted in Supplemental)

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAUL AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

SECOND READING
PUBLIC HEARING

FROM: RAUL J. AGUILA, CITY ATTORNEY *Raul Aguil*

DATE: FEBRUARY 10, 2016

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30 OF THE MIAMI BEACH CITY CODE, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE II, ENTITLED "SPECIAL MASTER," BY AMENDING SECTION 30-37, ENTITLED "TERMS OF OFFICE; COMPENSATION"; BY AMENDING THE COMPENSATION OF THE SPECIAL MASTER(S); AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Commissioner Michael Grieco is sponsoring this ordinance amendment, which will increase the hourly rate for the City's Special Master. The proposed Ordinance amendment will increase the hourly compensation amount for those Special Masters appointed by the Chief Special Master. The hourly rate will be adjusted to \$150.00 (a \$50.00 per hour increase), which reflects the current prevailing rates for other governmental agencies within Miami-Dade County that employ such Special Masters. This ordinance amendment will serve to represent a more realistic and equitable compensation amount for the City's Special Masters.

The Mayor and City Commission held a first reading of this matter on January 13, 2016, and the Ordinance amendment was passed unanimously.

The fiscal impact is anticipated to range from \$15,200.00 to \$19,350.00, which is contingent upon the amount of hours that are expended by the Special Masters throughout the fiscal year.

RA/AB/sc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30 OF THE MIAMI BEACH CITY CODE, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE II, ENTITLED "SPECIAL MASTER," BY AMENDING SECTION 30-37, ENTITLED "TERMS OF OFFICE; COMPENSATION"; BY AMENDING THE COMPENSATION OF THE SPECIAL MASTER(S); PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Code of Law and Ordinances are issued by the City's regulatory departments, and are heard by the City's Chief Special Master and his appointed Special Masters; and

WHEREAS, the Chief Special Master appoints those Special Masters to hear these various code violations, and are compensated pursuant to the hourly rate set forth in Section 30-37 of the City Code; and

WHEREAS, the hourly rate of compensation has not been appropriately adjusted since 1996, and does not reflect the correct reasonable prevailing rates in Miami-Dade County Florida; and

WHEREAS, the hourly rate of compensation should be adjusted to reflect the prevailing rate of \$150.00 per hour.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 30, "Code Enforcement," Article II, "Special Master," Section 30-37, entitled, "Terms of office; compensation"; of the Code of the City of Miami Beach, Florida, is hereby established, as follows:

Chapter 30. CODE ENFORCEMENT

* * *

Article II. Special Master

* * *

Sec. 30-37. Terms of office; compensation.

- (a) The chief special master shall be appointed for a term of six months and shall receive an hourly rate of compensation in accordance with reasonable prevailing rates for chief special masters and retired circuit court judges in the county as determined by the city manager.
- (b) Other special masters shall be appointed for a term of six months and shall receive compensation at the base rate of ~~\$100.00~~ \$150.00 per hour with a maximum payment of ~~\$500.00~~ \$750.00 per hearing session.

* * *

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

ATTEST:

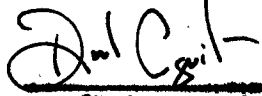
PHILIP LEVINE, MAYOR

RAFAEL GRANADO, CITY CLERK

Underscore denotes new language
~~Strike-through~~ denotes deleted language

(Sponsored by Commissioner Michael Grieco)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney AB

1-6-16

Date

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

February 10, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Projects"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The "Eligible Project"; Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.
An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.
An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement," By Amending Article II, Entitled "Special Master," By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.
An Ordinance Amending Chapter 78 Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:20 a.m.
An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees;" By Amending Section 2-191 Entitled "Enumeration Of Organizational Units;" By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:25 a.m. First Reading, Public Hearing
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:26 a.m. First Reading Public Hearing
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations;" Division 3, "Residential Multifamily Districts;" Division 4, "CD-1 Commercial, Low Intensity District;" Division 5, "CD-2 Commercial, Medium Intensity District;" Division 6, "CD-3 Commercial, High Intensity District;" Division 7, "CCC Civic And Convention Center District;" Division 8, "GC Golf Course District;" Division 9, "GU Government Use District;" Division 10, "HD Hospital District;" Division 11, "I-1 Light Industrial District;" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District;" Division 17, "WD-2 Waterway District;" Division 18, "PS Performance Standard District;" Division 20, "TC North Beach Town Center Districts;" To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations;" Division 2, "Accessory Uses;" Article V, "Specialized Use Regulations;" To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts, Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations;" Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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Rafael E. Granado, City Clerk
City of Miami Beach

R5 - Ordinances

- R5D An Ordinance Amending Chapter 78 Of The Code Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Human Resources)

(First Reading on January 13, 2016 - R5O)

(Item to be Submitted in Supplemental)

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Condensed Title:

An Ordinance of the Mayor and City Commission of The City Of Miami Beach, Florida, Amending Chapter 2 of the Miami Beach City Code Entitled "Administration," by Amending Article IV Entitled "Officers And Employees," by Amending Section 2-191 Entitled "Enumeration Of Organizational Units."

Key Intended Outcome Supported:

Maximize efficient delivery of services; strengthen internal controls.

Item Summary/Recommendation:**SECOND READING AND PUBLIC HEARING**

Section 2-191 of the Miami Beach City Code requires that organizational units be created by law or ordinance.

The Administration recommends the establishment of the Environment & Sustainability Department. The City Commission has demonstrated leadership in addressing the vulnerabilities related to sea level rise, the effects of climate change and the general stewardship of our precious environmental resources. Over the last few years this small division has worked diligently on these matters. As sustainability and resiliency becomes the centerpiece of all our efforts it is appropriate to elevate this division to department status.

The Administration recommends adopting the ordinance.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
	1	NA	NA
	2	NA	NA
	3	NA	NA
OBPI	Total	NA	

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Sylvia Crespo-Tabak, Human Resources Director

Sign-Offs:

Department Director	Assistant City Manager	Assistant City Manager	City Manager
Sylvia Crespo-Tabak	Mark Taxis	Susanne Torriente	Jimmy L. Morales





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE IV ENTITLED "OFFICERS AND EMPLOYEES," BY AMENDING SECTION 2-191 ENTITLED "ENUMERATION OF ORGANIZATIONAL UNITS," BY ESTABLISHING THE ENVIRONMENT & SUSTAINABILITY DEPARTMENT; AND PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

SECOND READING AND PUBLIC HEARING

ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the ordinance.

BACKGROUND

Section 2-191 of the Miami Beach City Code requires that organizational units be created by law or ordinance.

The City Commission has demonstrated leadership in addressing the vulnerabilities related to sea level rise, the effects of climate change and the general stewardship of our precious environmental resources. Over the last few years, the Environment and Sustainability Division has worked diligently on these matters as a small unit of the Building Department. However, as sustainability and resiliency become the centerpiece of our City, it is critical to elevate this division to department status.

The Environment and Sustainability Department will consist of three divisions: Environmental Resources, Sustainability, and Urban Forestry. Together these divisions will work across the City's departments to integrate a holistic resiliency approach to climate change mitigation and adaptation efforts.

The City has numerous natural resources including canals, waterways, sand dunes, parks and green spaces, and slightly over seven miles of white, sandy beaches. Our environment is our natural capital and is the foundation of our strong economic development and high quality of life. The Environmental Resources Division of the Environment & Sustainability Department will focus on protecting and enhancing our natural environment through sea level rise adaptation efforts, natural resource management and environmental compliance. This Division will support internal departments to ensure the City is employing a holistic resiliency approach to all projects,

not just those labeled as environmental. This Division will serve as the in-house environmental consultant and as the liaison between other government agencies for environmental concerns. This Division will also help to expedite the environmental permitting processes to keep projects on schedule and will improve efficiencies and coordination efforts for neighborhood projects.

Creating a more sustainability community includes improving resource efficiencies, preventing harm to the natural environment, protecting human health, while benefiting the social, economic and environmental well-being of the community for present and future generations. The Sustainability Division will be charged with working across all the City departments to improve internal sustainability to save money, improve processes and enhance the environment. This Division will also handle internal and external climate change mitigation efforts with a focus on reducing greenhouse emissions from government operations and communitywide activities, reducing internal operational costs and improving operational efficiencies, and assisting with the development of the Resiliency Strategic Plan. This Division will develop and implement specific initiatives including recycling and waste reduction, education and outreach, and green infrastructure.

Urban trees are a vital part of the City infrastructure, providing numerous environmental, economic and social benefits. Among the identified benefits are cleaner air, reduced energy usage, less storm water runoff, amelioration of high urban temperatures, higher property values, improved aesthetics, a greater sense of health and well-being, reduced anxiety levels, and lower crime rates. On June 15, 2015, the City took over the tree removal permitting program from Miami Dade County. The Urban Forestry Division will be responsible for administering the tree permitting program, finalizing the City's comprehensive tree inventory and establishing a dedicated urban forestry program that includes reforestation efforts.

CONCLUSION

The Administration recommends adopting the ordinance.

JLM/JMT/SMT/SC-T/ESW

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES," BY AMENDING DIVISION I, ENTITLED "GENERALLY," BY AMENDING SECTION 2-191, ENTITLED "ENUMERATION OF ORGANIZATIONAL UNITS," BY CREATING THE ENVIRONMENT AND SUSTAINABILITY DEPARTMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, there currently exists the need to make modifications to the Miami Beach City Code in order to properly enumerate the existing administrative structure of the City; and

WHEREAS, Section 4.02 of the Code sets forth the functions and powers of the City Manager, which include appointing all directors of the several departments now existing, or to be created, with the consent of the Commission, and to remove the same at will, except for the Legal Department and the City's Clerk's Office; and

WHEREAS, the modifications contained herein provide an accurate representation of the City's administrative structure.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 2-191 of City Code Chapter 2, entitled "Administration," is hereby amended as follows:

CHAPTER 2
ADMINISTRATION

* * *

ARTICLE IV. OFFICERS AND EMPLOYEES

Sec. 2-191. Enumeration of organizational units.

The administration or organization units of the city shall be as follows:

- (a) Office of the city manager.
- (b) Office of the city attorney.
- (c) Office of the city clerk.
- (d) Finance department.
- (e) Human Resources department.
- (f) Building department.
- (g) Department of emergency management.
- (h) Parks and recreation department.
- (i) Parking department.
- (j) Fire department.
- (k) Police department.
- (l) Transportation department.
- (m) Public works department.

- (n) Office of housing and community services.
- (o) Code compliance department.
- (p) Office of capital improvements projects.
- (q) Office of Communications.
- (r) Office of budget and performance improvement.
- (s) Information technology department.
- (t) Procurement department.
- (u) Tourism, culture and economic development department.
- (v) Planning department.
- (w) Environment and sustainability department.

SECTION 2. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, 2016.

PASSED AND ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

Underline denotes new language
~~Strikethrough~~ denotes removed language

(Sponsored by Vice-Mayor John Elizabeth Alemán)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado
City Attorney

2-2-16
Date

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

February 10, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Projects"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s), Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program; And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review, Applicability, Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.

An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loadings," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.

An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement;" By Amending Article II, Entitled "Special Master;" By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.

An Ordinance Amending Chapter 78 Of The City Of Miami Beach, Entitled "Personnel;" By Amending Article I, Entitled "In General;" By Amending Section 78-2, Entitled "Reserved;" To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:20 a.m.

An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration;" By Amending Article IV Entitled "Officers And Employees;" By Amending Section 2-191 Entitled "Enumeration Of Organizational Units;" By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:25 a.m. First Reading, Public Hearing

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages;" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions;" To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing These Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct;" By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:26 a.m. First Reading Public Hearing

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations;" Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District" Division 20 "TC North Beach Town Center District;" To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations;" Division 2, "Accessory Uses;" Article V, "Specialized Use Regulations;" To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations;" Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages;" By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.

A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

Dr. Stanley Sutinick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutinick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

Condensed Title:

Ordinances proposing to amend chapter 6 and chapter 142 pertaining to alcoholic beverages.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:**FIRST READING – PUBLIC HEARING**

The subject Ordinance would consolidate and relocate existing requirements for alcoholic beverages in chapter 6 and zoning districts and alcoholic beverages in chapter 142 of the City Code.

On July 29, 2015, the Land Use Committee discussed the item and recommended that an Ordinance be referred to the Planning Board. On October 14, 2015, the City Commission referred the item to the Planning Board.

The Administration recommends that the City Commission: 1) accept the recommendation of the Land Use and Development Committee via separate motion; 2) approve the attached Ordinances at First Reading; and 3) schedule a Second Reading Public Hearing for March 9, 2016.

Advisory Board Recommendation:

On December 15, 2015, the Planning Board transmitted the proposed ordinance amendments to the City Commission with an unfavorable recommendation (Vote 7-0)

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

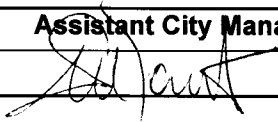
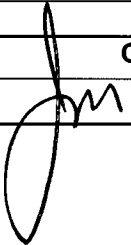
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: Ordinance Amendments to Chapter 6 and Chapter 142 – Alcoholic Beverages

Chapter 6: Alcoholic Beverages

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, CHAPTER 6 "ALCOHOLIC BEVERAGES" OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING ARTICLE I, "GENERAL PROVISIONS", TO CONSOLIDATE ALL PROVISIONS RELATING TO ALCOHOL REGULATION IN ONE CHAPTER OF THE CITY CODE BY RELOCATING CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS FROM CHAPTER 142 AND PLACING THOSE PROVISIONS IN CHAPTER 6; PROVIDING FOR HOURS OF OPERATION; LOCATION AND USE RESTRICTIONS; PATRON AGE RESTRICTIONS; MINIMUM SEATS AND HOTEL ROOMS REQUIREMENTS; BY AMENDING ARTICLE II, "CONDUCT," BY MODIFYING AND CREATING DEFINITIONS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

Chapter 142: Zoning Districts and Alcoholic Beverages

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS;" ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS" DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT" DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT" DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT" DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT" DIVISION 8, "GC GOLF COURSE DISTRICT" DIVISION 9, "GU GOVERNMENT USE DISTRICT" DIVISION 10, "HD HOSPITAL DISTRICT" DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT" DIVISION 12, "MR MARINE RECREATION DISTRICT;" DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT;" DIVISION 16, "WD-1 WATERWAY DISTRICT" DIVISION 17, "WD-2 WATERWAY DISTRICT" DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," DIVISION 20 "TC NORTH BEACH TOWN CENTER DISTRICTS," TO DELINEATE ALL ALCOHOLIC BEVERAGE ESTABLISHMENTS AS RELATED MAIN PERMITTED, CONDITIONAL, AND PROHIBITED USES BY ZONING DISTRICT; MODIFYING CHAPTER 142,

ARTICLE V, "SPECIALIZED USE REGULATIONS," TO DELETE DIVISION 4, AND SECTION 143-1301, ENTITLED "PERMITTED DISTRICTS; STRIKING ALCOHOL REGULATIONS RELATING TO HOURS OF OPERATION, MINIMUM SEAT AND HOTEL ROOMS FROM CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS;" AND MODIFYING CHAPTER 142, ARTICLE V "SPECIAL USE REGULATIONS," AT DIVISION 4 "ALCOHOLIC BEVERAGES," BY STRIKING SECTIONS 142-1302 AND 142-1303; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinances at First Reading and set a Second Reading, Public Hearing for March 9, 2016.

BACKGROUND

The following is a summary of the legislative tracking of the proposed ordinances:

July 9, 2014

The Land Use and Development Committee (LUDC) discussed potential amendments to the City Code pertaining to alcoholic beverage establishments, allowable accessory uses and Neighborhood Impact Establishments (NIE). The Committee recommended that the City Commission refer a discussion item to the Land Use Committee pertaining to the following:

1. Alcoholic Beverage Establishments (Chapter 6);
2. Requirements for determining the size and square footage of "Accessory Uses" in relation to the main permitted use; and
3. The clarification of threshold standards for Neighborhood Impact Establishments.

(NOTE: This part of the legislation was to address the current conflict between the requirements of the life-safety code as it pertains to the establishment of an occupational load and the zoning standards for an NIE.)

July 23, 2014

The Mayor and the City Commission referred to the LUDC (Item C4K) a discussion item regarding proposed amendments to the City Code pertaining to alcoholic beverage establishments, allowable accessory uses and Neighborhood Impact Establishments (NIE).

October 1, 2014

The Land Use Committee discussed the proposal and directed the Administration to draft an Ordinance and return to the Committee on November 5, 2014. (Note: the draft ordinances requested were not ready in time for the November 5, 2014 LUDC meeting, so the item was moved to the December 10, 2014 LUDC meeting).

December 10, 2014

The LUDC discussed three proposed draft ordinance amendments (Chapter 6, Chapter 114 and Chapter 142). Commissioner Malakoff agreed to be the sponsor of the proposed legislation. The proposed ordinance amendments, while primarily a clean-up and consolidation proposal, did include some substantive changes (see substantive changes in the Analysis section below), as well as a number of text changes in order to accommodate the proposed consolidations. After extensive discussion by the Committee and the public, the LUDC recommended that the City Commission refer the subject Ordinances (Chapters 6, 114 & 142), including the amendments

discussed, to the Planning Board.

January 14, 2015

The City Commission referred the proposed amendments to Chapters 6, 114 & 142 of the City Code to the Planning Board (Item C4H).

February 24, 2015

The Planning Board had a lengthy discussion regarding the proposed ordinances, recommended further revisions and continued the items to the March 24th, 2015 meeting.

March 24, 2015

The Planning Board discussed the updated ordinances and continued the items to the May 26th, 2015 meeting. The Board requested that Planning Staff meet with affected stakeholders prior to May 26, 2015.

April 17, 2015

Planning staff met with representatives of business interests affected by the proposed legislation, including a number of Land Use Attorneys.

May 11, 2015

Planning staff met with residents of the Palm View and WAVNA neighborhoods regarding the proposed legislation

May 26, 2015

The Planning Board discussed the item and continued the proposed ordinances to the July 28th, 2015 meeting.

July 8, 2015

The City Commission removed the subject ordinances from the Planning Board agenda and re-referred the matter to the Land Use and Development Committee for further discussion.

July 29, 2015

The Land Use Committee discussed the item and considered two (2) revised versions of the legislation:

“Option A”: Clarifies and adds definitions in Chapter 114, consolidates the code language pertaining to alcoholic beverage establishments into Chapter 6, clarifies language used in Chapters 6 and 142 in regards to accessory uses and Neighborhood Impact Establishment thresholds, updates the code to align it with current state statutes and adds new neighborhood compatibility requirements.

“Option B”: New language pertaining to hours of operation for alcoholic beverage establishment South of Fifth Street.

After discussing the item, the Land Use Committee recommended that Option “B” be removed from consideration and that Option “A”, as slightly modified, be referred to the Planning Board.

September 2, 2015

The City Commission discussed the recommendation of the Land Use Committee to refer the subject ordinances to the Planning Board. The Commission continued the item to October 14, 2015, in order to better evaluate the recommendation of the Land Use Committee.

October 14, 2015

The City Commission referred the subject ordinances to the Planning Board (Item C4A), with additional language pertaining to 'ambient DJ's'. The current sponsor of the proposed Ordinances is Commissioner Joy Malakoff.

November 24, 2015

The Planning Board discussed the proposed ordinances and continued the item to the December 15, 2015 meeting. The Board also recommended further revisions to the legislation, pursuant to the public discussion.

December 15, 2015

The Planning Board discussed the proposed Ordinance, as revised, and transmitted the legislation to the City Commission with an 'Unfavorable' recommendation. The Planning Board also recommended that if the City Commission was to consider approving the Ordinances, that such approval be limited to those portions of the legislation that are 'clarifications' and 'consolidations' only.

ANALYSIS

The subject legislation has been pending since January of 2015 when it was first referred to the Planning Board. The original Ordinances were reviewed and discussed on multiple occasions by the Land Use Committee and the Planning Board. The Planning Board has recommended that the City Commission only consider for approval the non-substantive clarification and consolidation portions of the proposed legislation.

In light of the size and complexity of the original proposed Ordinance, incorporating additional new text and modified regulations proved challenging, particularly from a review standpoint. In light of this, on January 13, 2016, the City Commission directed the Administration to remove all of the substantive portions of the legislation and bring back a revised version for First Reading that is limited to the consolidation items, as recommended by the Planning Board. The First Reading versions of the revised ordinances reflect this direction. The proposed revisions to Chapter 114 were deleted, as this revision consisted of solely new language.

The changes proposed herein consolidate all alcoholic beverage regulations into Chapter 6, instead of having alcoholic beverage regulations scattered throughout the zoning code. Also, the applicable alcoholic beverage establishment uses in Chapter 142 have been relocated into the use sections for the individual zoning districts, instead of having a separate list in a different section of the Code.

PLANNING BOARD REVIEW

On December 15, 2015, the Planning Board reviewed a comprehensive set of proposed revisions to the City's alcoholic beverage regulations, which are now contained in two separate draft Ordinances, and transmitted the legislation to the City Commission with an 'Unfavorable' recommendation. The Planning Board also recommended that the City Commission only consider for approval the non-substantive clarification and consolidation portions of the proposed legislation.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to

have a negative fiscal impact upon the City.

CONCLUSION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinances at First Reading and set a Second Reading, Public Hearing for March 9, 2016.

JLM/SMT/TRM

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CHAPTER 6 – ALCOHOLIC BEVERAGES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, CHAPTER 6 "ALCOHOLIC BEVERAGES" OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING ARTICLE I, "GENERAL PROVISIONS", TO CONSOLIDATE ALL PROVISIONS RELATING TO ALCOHOL REGULATION IN ONE CHAPTER OF THE CITY CODE BY RELOCATING CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS FROM CHAPTER 142 AND PLACING THOSE PROVISIONS IN CHAPTER 6; PROVIDING FOR HOURS OF OPERATION; LOCATION AND USE RESTRICTIONS; PATRON AGE RESTRICTIONS; MINIMUM SEATS AND HOTEL ROOMS REQUIREMENTS; BY AMENDING ARTICLE II, "CONDUCT," BY MODIFYING AND CREATING DEFINITIONS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

WHEREAS, Alcoholic Beverages are addressed in Chapters 6, entitled "Alcoholic Beverages;" and

WHEREAS, to ensure that all regulations relating to alcoholic beverages are clear and concise and in one location of the code that is logical and convenient to user; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 6, "Alcoholic Beverages," is amended, as follows:

ARTICLE I. - IN GENERAL

Section 6-2. Licenses.

- (a) No vendor shall sell or distribute any alcoholic beverages without securing a license from the Florida Division Of Alcoholic Beverages And Tobacco Of The Department Of Business And Professional Regulation of the state ("State License"). A service charge as specified in Appendix A shall be paid by an applicant requesting the review of an application to the state for an ~~alcoholic beverage~~ State License. The purpose of this charge is to defray the cost to the City for the ~~verification of a correct occupational license, parking impact fees, and proximity to places of worship and/or schools~~ review of the regulations enumerated in herein Chapter 6, and an area and establishment inspection and any other zoning inspection and/or review that may be applicable to the review of such an application.
- (b) ~~Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191 et seq.~~

Sec. 6-3. Hours of Sale/Violations.

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a State License, and shall be according to the following schedule, except as may be otherwise provided pursuant to subsection (6):

(1) ~~Retail stores for package sales only – off premises consumption, either as permitted main or accessory uses. Vendors having a license from the state Division of alcoholic beverages and tobacco for the sale of liquor and other alcoholic beverages for consumption off the premises shall only offer for sale alcoholic beverages within~~ may make sales of alcohol only for off premises consumption between the hours of 8:00 a.m. and midnight, ~~on any day of the week.~~

(2) Retail stores, including grocery, ~~–and–~~ convenience stores, and gasoline service/filling stations, ~~either as permitted main or accessory uses,~~ which primarily offer for sale products other than alcoholic beverages may make sales of beer and wine only for off premises consumption – sealed containers between the hours of 8:00 a.m. and midnight, ~~on any day of the week.~~

(3) All alcoholic beverage establishments with state licensure licensed as alcoholic beverage establishments (midnight to 5:00 a.m.) ~~–on premise consumption only, either as permitted main or accessory uses,~~ shall only offer for sale the on-premises consumption of alcoholic beverages within may make sales of alcohol between the hours of 8:00 a.m. and 5:00 a.m. ~~on any day of the week.~~

a. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ but not operating as dance halls or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m.

b. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ and also operating as dance halls, or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m., and dancing and entertainment shall not be conducted between the hours of 5:00 a.m. and 10:00 a.m.

c. Other alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ not containing restaurants with full kitchen facilities, shall close at 5:00 a.m. and keep remain closed, the place of business and not allow any No patron or other persons, other than those employed by the vendor may, to remain on the premises ~~therein~~ between the hours of 5:00 a.m. and 8:00 a.m.

d. *Sidewalk cafes.* Notwithstanding the provisions of subsections (3)(a) through (c), alcoholic beverages shall not be offered for sale or consumption at sidewalk cafes, as defined in section 82-366 of this Code and as otherwise permitted by the City in accordance with chapter 82, article IV, division 5, subdivision II of this Code (as may be amended from time to time), between the hours of 1:30 a.m. and 8:00 a.m., and shall not be consumed at sidewalk cafes

between the hours of 2:00 a.m. and 8:00 a.m. No variances may be granted from the provisions of this section 6-3(3)(d) as to the hours of sale or consumption of alcoholic beverages at sidewalk cafes.

(4) *Off-premises package sales by alcoholic beverage establishments.* Off-premises package sales associated with alcoholic beverage establishments other than retail stores shall be permitted between the hours of 8:00 a.m. and midnight. ~~for all establishments licensed as alcoholic beverage establishments.~~

(5) Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191, et seq. ~~Private clubs, either as a permitted main or accessory use, shall be considered pursuant to subsection 6-2(a).~~ Hours of operation and the consumption of alcoholic beverages will be considered between the hours of 8:00 a.m. and 5:00 a.m., Monday through Sunday, provided that service is made only to members and guests of members as provided under the ~~pursuant to~~ Florida Statutes. However, any private club permitted to remain open after 2:00 a.m. shall ~~purchase an extra-hours license and must~~ provide for security in its premises by hiring private security guards or off-duty police officers between the hours of 2:00 a.m. and 5:00 a.m. each day. Private clubs securing a State License from the state Division of alcoholic beverages and tobacco by complying with the requirements of Florida Statute, § 561.20 ~~for racquetball, tennis or golf course facilities may admit members at any time for use of such facilities, but may not serve alcoholic beverages after 2:00 a.m. each day unless such private club is the holder of an extra-hours license~~ Business Tax Receipt and complies with the above requirements.

(6) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages (i) until 7:00 a.m. on January 1 (New Year's Day) or, if January 1 is on a Sunday, until 7:00 a.m. on Monday if the day that is observed as a national holiday for New Year's Day is on Monday, and (ii) until 7:00 a.m. during certain major event days or weekends as may be designated by the City Commission or as may be designated by the City Manager following approval by the City Commission, under the following conditions:

- a. The police department and the code compliance Division of the City must be notified by a letter, received no later than 15 business days prior to either (a) January 1 or (b) the day on which alcohol sales are to be extended, stating that the alcoholic beverage establishment intends to serve alcoholic beverages for on-premises consumption until 7:00 a.m.;
- b. If deemed reasonably necessary by the police chief, or the police chief's designee, off-duty police officers must be provided at the alcoholic beverage establishment until 7:00 a.m.;
- c. There are no pending City Code violations against the alcoholic beverage establishment;
- d. No delinquent or past due monies are owed to the City;
- e. Outdoor entertainment or open-air entertainment is not allowed;
- f. No violation of the City's noise ordinance shall be permitted;
- g. No violation of the approved fire code occupancy load shall be permitted;
- h. All required City permits and licenses are current;
- i. ~~The State of Florida alcoholic beverage License~~ is current; and

j. Any other conditions required by the City Manager in order to protect the public health, safety, or welfare.

(7) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages until 6:00 a.m. on the first day of daylight savings time in the spring.

(8) The City Manager may suspend the provisions of subsection (6) at any time to protect the public health, safety, or welfare.

Section 6-4. Location and use restrictions.

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcoholic beverages for consumption:

* * *

(2) *Places of worship.* No alcoholic beverage shall be sold or offered for consumption in a ~~commercial use, except in restaurants for consumption on the premises,~~ alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.

* * *

(5) *Filling station.* No liquor as defined by Florida Statute § 568.01 shall be sold or offered for consumption on or off the premises of any filling station.

* * *

(b) *Determination of minimum distance separation.*

(1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcoholic beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcoholic beverages for consumption on or off the premises other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.

(2) When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning and zoning director that the minimum distance separation has been met.

(c) *Variances.* Variances to the provisions of this section may be granted pursuant to the procedure in section 118-351, et seq.

Sec. 6-5. Patron age restrictions.

- (a) It shall be unlawful for persons under the age of 21 to patronize, visit, loiter, be admitted or allowed access, in any alcoholic beverage establishment, as defined in section 114-1 of this Code, except as hereinafter provided. This restriction shall not apply to:
- (1) Persons employed by or at the alcoholic beverage establishments;
 - (2) Persons accompanied by either of their parents (natural, adoptive, or stepparent) or legal guardian (appointed by a court);
 - (3) Alcoholic beverage establishments also licensed and operating as restaurants, containing a full kitchen of appropriate size to serve the occupancy load of the establishment, serving full meals at all times. In the case of hotels and other similar multiuse establishments, this restriction applies only to those areas of the establishment operating primarily as an alcoholic beverage establishment, and not also operating as a restaurant ~~as described above~~; and
 - (4) Alcoholic beverage establishments also licensed and operating as motion picture theaters, subject to compliance with subsection 6-4(a)(4).

* * *

Section 6-6. Minimum seats and hotel room requirements:

Vendors shall be permitted to sell alcoholic beverages within zoning districts if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, hall for hire or golf clubhouse pursuant to the following standards:

(1) Permitted main uses:

- a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.
- b. Outdoor cafes, when visible from or facing a public street and associated with (a) above, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.
- c. Outdoor cafes, when not visible from or on a public street, alley, or way, and associated with (a) above, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
- d. Golf clubhouse located on a golf course shall be permitted to sell alcoholic beverages only for consumption on the premises.

(2) Accessory uses. Hotels, apartment-hotels, or apartments, when permitted under Chapter 142, shall be permitted to have accessory uses on site, which sell alcoholic beverages pursuant to the following minimum standards:

- a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 40 seats shall be provided.
- b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.
- c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
- d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.
- e. Hotels, when requesting a "S" Class State License shall be required to demonstrate that they comply with all applicable Florida Statutes.

Section 6-7. Exemptions.

- (a) Notwithstanding any other provision of this division, the sale of beer for off-premises consumption by a vendor licensed for such sale from that location by the division of alcoholic beverages and tobacco of the department of business and professional regulation of the state shall be exempt from the regulations in section 6-4, and 6-6. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-premises consumption shall be conducted in accordance with the provisions of section 6-6.
- (b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the civic and convention center district (CCC) or government use (GU) district.

ARTICLE II. CONDUCT

Section. 6-36. Definitions.

The following words, terms and phrases, when used in this ~~article~~ Chapter, shall have the meanings ascribed to them in this section or if not defined in this Chapter, the meaning ascribed to them in Chapters 114 and 142, except where the context clearly indicates a different meaning:

Alcoholic beverage sales—On premises means the sale of beverages in open containers for consumption on the premises only.

Alcoholic beverage sales—Package means the sale of beverages in sealed containers for consumption off the premises.

* * *

Full kitchen facilities means having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchen facilities must contain grease trap interceptors, and meet all applicable City, county and state codes.

* * *

School means a facility providing a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and comparable private schools.

Section 6-37. Violations and penalties.

Upon a finding by the appropriate administrative official or agency that a violation of this article has occurred, the City shall initiate proceedings to revoke the Business Tax Receipt, Certificate of Use, ~~occupational license~~ or Certificate of Occupancy, whichever is appropriate. Additionally, this article may be enforced and violations may be punished as follows:

* * *

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: February 10, 2016

Second Reading: March 9, 2016

Verified by: _____
Thomas Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Real City
City Attorney

1-29-16
Date

for

Underscore denotes new language
~~Strikethrough~~ denotes removed language

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CHAPTER 142 – ZONING DISTRICTS AND ALCOHOLIC BEVERAGES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 “ZONING DISTRICTS AND REGULATIONS;” ARTICLE II, “DISTRICT REGULATIONS”, DIVISION 3, “RESIDENTIAL MULTIFAMILY DISTRICTS” DIVISION 4, “CD-1 COMMERCIAL, LOW INTENSITY DISTRICT” DIVISION 5, “CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT” DIVISION 6, “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT” DIVISION 7, “CCC CIVIC AND CONVENTION CENTER DISTRICT” DIVISION 8, “GC GOLF COURSE DISTRICT” DIVISION 9, “GU GOVERNMENT USE DISTRICT” DIVISION 10, “HD HOSPITAL DISTRICT” DIVISION 11, “I-1 LIGHT INDUSTRIAL DISTRICT” DIVISION 12, “MR MARINE RECREATION DISTRICT;” DIVISION 13, “MXE MIXED USE ENTERTAINMENT DISTRICT;” DIVISION 16, “WD-1 WATERWAY DISTRICT” DIVISION 17, “WD-2 WATERWAY DISTRICT” DIVISION 18, “PS PERFORMANCE STANDARD DISTRICT;” DIVISION 20 “TC NORTH BEACH TOWN CENTER DISTRICTS,” TO DELINEATE ALL ALCOHOLIC BEVERAGE ESTABLISHMENTS AS RELATED MAIN PERMITTED, CONDITIONAL, AND PROHIBITED USES BY ZONING DISTRICT; MODIFYING CHAPTER 142, ARTICLE V, “SPECIALIZED USE REGULATIONS,” TO DELETE DIVISION 4, AND SECTION 143-1301, ENTITLED “PERMITTED DISTRICTS; STRIKING ALCOHOL REGULATIONS RELATING TO HOURS OF OPERATION, MINIMUM SEAT AND HOTEL ROOMS FROM CHAPTER 142 “ZONING DISTRICTS AND REGULATIONS”, ARTICLE II “DISTRICT REGULATIONS;” AND MODIFYING CHAPTER 142, ARTICLE V “SPECIAL USE REGULATIONS,” AT DIVISION 4 “ALCOHOLIC BEVERAGES,” BY STRIKING SECTIONS 142-1302 AND 142-1303; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” includes specialized use regulations that address alcoholic beverages; and

WHEREAS, Chapter 6 of the City Code entitled “Alcoholic Beverages”, which regulates the hours of operation of and size of such establishments; and

WHEREAS, Chapter 142 shall be amended to ensure that each districts lists whether alcoholic beverage establishments are permitted, not permitted or conditional uses; and

WHEREAS, to ensure that all regulations relating to alcoholic beverages are clear, concise and in one location of the code that is logical and convenient to the user; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations" is amended, as follows:

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

* * *

Sec. 142-214. - Accessory uses.

The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in article IV, division 2 of this chapter and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~ RM-2 properties within the Palm View, or West Avenue corridors may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a legal conforming use as of May 28, 2013, shall have the right to apply for and receive special event permits that contain entertainment uses.

* * *

Subdivision V. - RM-3 Residential Multifamily, High Intensity

Sec. 142-244. - Accessory uses.

The accessory uses in the RM-3 residential multifamily, high intensity district are as follows:

* * *

(2) ~~Uses that serve a~~ Alcoholic beverages establishments ~~as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~

(3) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6. provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

(4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

* * *

Sec. 142-245. - Prohibited uses.

The prohibited use in the RM-3 residential multifamily, high intensity district is accessory outdoor bar counter, except as provided in Section 142-244; ~~and For~~ properties located within the West Avenue Corridor, hotels and apartment-hotels, except to the extent preempted by ~~Florida Statutes §~~ Section 509.032(7), and unless a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

* * *

DIVISION 4. - CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

Sec. 142-272. - Main permitted uses.

The main permitted uses in the CD-1 commercial, low intensity district are commercial uses; apartments; bed and breakfast inn (pursuant to Section 142-1401); religious institutions with an occupancy of 199 persons or less, and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~

* * *

DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

Sec. 142-302. - Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; religious institutions with an occupancy of 199 persons or less and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages (alcoholic beverages) pursuant to the regulations set forth in Chapter 6.~~

* * *

Sec. 142-304. - Accessory uses.

The accessory uses in the CD-2 commercial, medium intensity district are as required in article IV, division 2 of this chapter; and accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, , the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

* * *

Sec. 142-305. - Prohibited uses.

The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in ~~this division~~ Article IV, Division 2 of this chapter and in Chapter 6. Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, also include

alcoholic beverage establishments (not also operating as a full restaurant with a full kitchen, serving full meals); dance halls; entertainment establishments; outdoor entertainment establishment; neighborhood impact establishment; and open air entertainment establishment.

* * *

DIVISION 6. - CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

Sec. 142-332. - Main permitted uses.

The main permitted uses in the CD-3 commercial, high intensity district are commercial uses; apartments; apartment/hotels; hotels, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, and religious institutions with occupancy of 199 persons or less. ~~Oceanfront properties in the architectural district shall not be permitted to have new retail and/or office areas totaling more than 250 square feet unless the building is rehabilitated according to the South Florida Building Code, the city property maintenance standards, and fire prevention and safety codes and if it is a historic structure the U.S. Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures.~~ Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is located in a mezzanine, or at least 75 feet back from the storefront; also apartments, apartment/hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335. Dance halls (as defined in section 114-1 of this Code) not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishments are prohibited on properties having a lot line adjoining Lincoln Road, from the Atlantic Ocean to Biscayne Bay, unless the dance hall is located within a hotel with a minimum of 100 hotel units.

* * *

Sec. 142-334. - Accessory uses.

The accessory uses in the CD-3 commercial, high intensity district are as follows:

- (1) Those uses permitted in Article IV, Division 2 of this chapter.
- (2) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, , the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
- ~~(3) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) setback 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.~~

* * *

Sec. 142-335. - Prohibited uses.

The prohibited uses in the CD-3 commercial, high intensity district are pawnshops; secondhand dealers of precious metals/precious metals dealers; and accessory outdoor bar counter, except as provided in ~~this division~~ Article IV, Division 2 of this Chapter and in Chapter 6.

* * *

DIVISION 7. CCC CIVIC AND CONVENTION CENTER DISTRICT

* * *

Sec. 142-362. - Main permitted uses.

The main permitted uses in the CCC civic and convention center district are parking lots, garages, performing arts and cultural facilities; hotel; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, merchandise mart; commercial or office development; landscape open space; parks. Any use not listed above shall only be approved after the City Commission holds a public hearing. See section 142-367 for public notice requirements.

* * *

DIVISION 8. - GC GOLF COURSE DISTRICT

* * *

Sec. 142-394. - Accessory uses.

The accessory uses in the GC golf course district are as required in article IV, division 2 of this chapter and the sale or distribution of alcoholic beverages pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 10. - HD HOSPITAL DISTRICT

* * *

Sec. 142-452. - Permitted uses.

In the HD, Hospital District, no land, water or structure may be used, in whole or in part, except for one or more of the following permitted uses. ~~Permitted uses that sell, serve or otherwise distribute alcoholic beverages in this district shall comply with the standards and regulations found in article V, division 4 of this chapter~~ The sale of alcohol within the HD shall be regulated pursuant to the requirements of Chapter 6.

* * *

DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 142-482. - Main permitted uses.

The main permitted uses in the I-1, Urban Light Industrial District, are those uses that are consistent with the district purpose including the following:

* * *

- 13) Commercial uses that provide support services to the light industrial uses and to the adjacent RM-3 residents, including but not limited to retail sales, photocopying, coffee shop, ~~standard~~ restaurant, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, video rental, bank;

* * *

DIVISION 12. - MR MARINE RECREATION DISTRICT

* * *

Sec. 142-514. - Accessory uses.

The accessory uses in the MR, Marine Recreation District, are as required in article IV, division 2 of this chapter. Accessory uses in this district shall be any use that is customarily associated with a main permitted use, including but not limited to alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 13. - MXE MIXED USE ENTERTAINMENT DISTRICT

* * *

Sec. 142-543. - Accessory uses.

The accessory uses in the MXE, Mixed Use Entertainment District, are as follows.

- (1) Those uses permitted in Article IV, Division 2 of this chapter. See also Article IV, Division 2, of this article. Note:
- (2) Uses that serve alcoholic beverages are also subject to the regulations of article V, division 4 of this chapter, set forth in Chapter 6.
- (3) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
- ~~(2) Accessory outdoor bar counter located in the cabaret overlay district.~~
- (4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the restriction on the hours of operation, set forth in subsection (1) of this section, provided the accessory outdoor bar counter is located in the rear yard and set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

* * *

Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

In the MXE, Mixed Use Entertainment District, permitted uses in existing buildings at the time of adoption of this section with two stories or less fronting on Ocean Drive or Ocean Terrace and any building fronting on Collins Avenue from Sixth Street to 16th Street shall comply with the following:

* * *

- (2) ~~Such~~ The buildings may contain offices (medical and dental offices are prohibited), retail, eating or drinking uses food service establishments, alcoholic beverage establishments and residential uses or any combination thereof. Medical and dental office shall be prohibited uses in the MXE districts. Commercial uses located above the ground floor shall only have access from the interior of the building; no exterior access shall be permitted, unless a variance from this requirement is granted.

* * *

DIVISION 16. - WD-1 WATERWAY DISTRICT

* * *

Sec. 142-634. - Accessory uses.

The accessory uses in the WD-1, Waterway District, are as required by Article IV, Division 2 of this Chapter and as delineated in Chapter 6, as it relates to alcoholic beverage establishments.

* * *

DIVISION 17. - WD-2 WATERWAY DISTRICT

* * *

Sec. 142-664. - Accessory uses.

The accessory uses in the WD-2, Waterway District, are as required in Article IV, Division 2 of this Chapter and as delineated in Chapter 6, as it relates to alcoholic beverage.

* * *

DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS

* * *

Sec. 142-736. Main permitted uses, Conditional Uses, accessory uses, and prohibited uses.

- (a) Land uses in the TC-1, Town Center Core District shall be regulated as follows:

- (1) The main permitted uses in the TC-1 District are commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6; apartments; apartments/hotels; hotels. The ground story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). The provisions of chapter 6 subsection 6-4(a)(1) concerning distance separation for consumption of alcoholic beverages on-premises in restaurants shall not apply to this district.

* * *

- (3) The accessory uses in the TC-1 District are those uses permitted in Article IV, Division 2 of this Chapter; alcoholic beverage establishments and accessory outdoor

bar counters pursuant to the regulations set forth in Chapter 6; and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

* * *

(c) Land uses in the TC-3 Town Center Residential Office District shall be regulated as follows:

* * *

(2) The Conditional Uses in the TC-3 District are hotel, adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).

a. In areas designated TC-3(c) on the zoning map, the following uses may be permitted as Conditional Uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in Chapter 6. with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the Conditional Use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in Chapter 6 or and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.

(3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, Division 2 of this Chapter, except that hotels may have accessory uses based upon the criteria below:

* * *

b. Hotels in the TC-3(c) district may include accessory restaurants or ~~bars~~ alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6 when approved as part of the Conditional Use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and ~~bars that serve alcohol~~ alcoholic beverage establishments on the entire site shall not exceed 1.5 persons, per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar

may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the Conditional Use process.

* * *

ARTICLE V. - SPECIALIZED USE REGULATIONS

DIVISION 4. ~~ALCOHOLIC BEVERAGES~~

Sec. 142-1301. Permitted districts.

~~Vendors may be permitted to sell or distribute alcoholic beverages, either for consumption on or off the premises only in the following zoning districts:~~

- ~~(1) RM-2 multiple-family, medium intensity.~~
- ~~(2) RM-3 multiple-family, high intensity.~~
- ~~(3) CD-1 commercial, low intensity.~~
- ~~(4) CD-2 commercial, medium intensity.~~
- ~~(5) CD-3 commercial, high intensity.~~
- ~~(6) CCC convention center district.~~
- ~~(7) HD hospital district.~~
- ~~(8) I-1 industrial, light.~~
- ~~(9) MR marine recreational.~~
- ~~(10) MXE mixed use entertainment.~~
- ~~(11) WD-1 waterway district.~~
- ~~(12) WD-2 waterway district.~~
- ~~(13) R-PS2 residential medium density.~~
- ~~(14) R-PS3 residential medium-high density.~~
- ~~(15) R-PS4 residential high density.~~
- ~~(16) C-PS1 commercial limited mixed use.~~
- ~~(17) C-PS2 commercial general mixed use.~~
- ~~(18) C-PS3 commercial intensive mixed use.~~
- ~~(19) C-PS4 commercial intensive phased bayside.~~
- ~~(20) RM-PS1 residential limited mixed-use development.~~
- ~~(21) TC-1 North Beach Town Center core.~~
- ~~(22) TC-2 North Beach Town Center mixed-use.~~
- ~~(23) TC-3 North Beach Town Center residential/office.~~

Sec. 142-1302. Permitted main and accessory uses.

~~Vendors shall be permitted to sell alcoholic beverages within the zoning districts listed in section 142-1301 if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, or golf clubhouse pursuant to the following standards:~~

~~(1) *Permitted main uses.*~~

- ~~a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.~~

~~b. Outdoor cafes, when visible from or facing a public street, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.~~

~~c. Outdoor cafes, when not visible from or on a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~

~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(2) Accessory uses. Hotels, apartment hotels, or apartments, or any mixed use having a minimum of 100 apartment units or a minimum of 100 hotel units or which are located in the MXE district shall be permitted to have accessory uses which sell alcoholic beverages pursuant to the following minimum standards:~~

~~a. Bars, alcoholic beverage establishments, restaurants, or private clubs which have a minimum of 40 seats shall be permitted to sell alcoholic beverages for consumption on or off the premises.~~

~~b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.~~

~~c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~

~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(3) [Accessory uses which sell alcoholic beverages.] Accessory uses which sell alcoholic beverages in the TC-1, TC-2 and TC-3 districts shall be governed by the district use regulations in section 142-746.~~

~~Sec. 142-1303. Exemption.~~

~~(a) Notwithstanding any other provision of this Division, the sale of beer for off-premises consumption by a vendor licensed for such sale from that location by the Division of alcoholic beverages and tobacco of the department of business and professional regulation of the state shall be exempt from the regulations in section 6-4, and sections 142-1301 and 142-1302. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-~~

~~premises consumption shall be conducted in accordance with the provisions of sections and 142-1302.~~

~~(b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the civic and convention center district or government use district.~~

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 1/29/16
City Attorney Date

First Reading: February 10, 2016

Second Reading: March 9, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes removed language

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

February 10, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency," Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Projects"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s), Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.

An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off Street Loadings," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.

An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement," By Amending Article II, Entitled "Special Master," By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.

An Ordinance Amending Chapter 78 Of The Code Of The City Of Miami Beach, Entitled "Personnel," By Amending Article I, Entitled "In General," By Amending Section 78-2, Entitled "Reserved," To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:20 a.m.

An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:25 a.m. First Reading, Public Hearing

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:26 a.m. First Reading Public Hearing

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "L1 Light Industrial District" Division 12, "MR Marine Recreation District," Division 13, "MXE Mixed Use Entertainment District," Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Article V, "Specialized Use Regulations," To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.

A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS ORDINANCES AMENDING CHAPTER 6 - ALCOHOLIC BEVERAGES; AND CHAPTER 142 - ZONING DISTRICTS AND ALCOHOLIC BEVERAGES

February 10, 2016

NOTICE IS HEREBY given that a First Reading/Public Hearing will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016** at the times listed, or as soon thereafter as the matter can be heard, to consider the following ordinances:

10:25 a.m.

Chapter 6 - Alcoholic Beverages

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions"; To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date.

10:26 a.m.

Chapter 142 - Zoning Districts And Alcoholic Beverages

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District," Division 13, "MXE Mixed Use Entertainment District," Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations" Division 2, "Accessory Uses," Article V, "Specialized Use Regulations," To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date.

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Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Rafael E. Granado, City Clerk
City of Miami Beach

Ad 1127

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAUL AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

FROM: RAUL J. AGUILA, CITY ATTORNEY *RJ Aguil*

DATE: FEBRUARY 10, 2016

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING SECTION 142-905, ENTITLED "PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS," BY AMENDING SUBSECTION (b)(5)a. WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-905(b)(5), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (b)(5)b, ENTITLED "ENHANCEMENT PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION (b)(5); BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY AMENDING SUBSECTION (d) WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-1111(a), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (d)(5), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION 142-1111(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Philip Levine has proposed an ordinance amendment to Section 142-905 and 142-1111 of the Miami Beach Code, which is a companion amendment to the proposed ordinance amendment to Section 142-109. This Ordinance amendment will modify several portions of

Sections 142-905 and 142-1111, which includes substantial increases in monetary fines.

These proposed amendments are an important public policy component that will ensure the City's residents continue to enjoy their single and multifamily residences, and to make certain that the character and value of these residential neighborhoods and residences are protected and properly preserved. The City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, in conjunction with regulating the impacts of transients rentals and occupancy, which these Ordinance amendments directly advance as important governmental interests. These amendments will prohibit those persons seeking to financial exploit the rental of single and multi-family residences, thereby prohibiting the creation of adverse living conditions for the City residents, by preventing excessive number of guest(s), vehicle(s) and noise that tragically impact these quiet residential communities, and devastates the residential character of single-family and multi-family neighborhoods.

These amendments to the Land Development Regulations must be presented to the Planning Board, and the Mayor and City commission must have this matter transmitted to the Planning Board for their review.

RA/AB/sc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING SECTION 142-905, ENTITLED "PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS," BY AMENDING SUBSECTION (b)(5)a. WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-905(b)(5), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (b)(5)b, ENTITLED "ENHANCEMENT PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION (b)(5); BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY AMENDING SUBSECTION (d) WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-1111(a), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (d)(5), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION 142-1111(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the rental of single-family and multi-family residential properties for periods of less than six months and one day are prohibited by the Land Development Regulations ("LDRs"); and

WHEREAS, single and multi-family residences used on a transient basis, creates excessive numbers of guests, vehicles and noise, and cause inappropriate adverse impacts on the surrounding residences and residential neighborhood; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, as well as in regulating traffic flow, and these amendments directly advances these interests by serving a narrowly tailored interest of the City; and

WHEREAS, the Mayor and City Commission finds that a substantial modification of this ordinance will prohibit this conduct and these amendments are consistent with and further the public health, safety and welfare of the City and its residents; and

WHEREAS, these amendments surrounding prohibited transient rentals in single-family districts and transient rental of apartment units or townhomes, are hereby adopted to accomplish the above objectives.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Division 2, entitled "Accessory Uses," of Article IV, entitled "Supplementary District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 2. ACCESSORY USES

* * *

Sec. 142-905. Permitted accessory uses in single-family districts.

- (a) Generally. Permitted accessory uses in single-family districts are those uses which are customarily associated with single-family houses such as, but not limited to, decks, swimming pools, spas, ornamental features, tennis courts. However, in no instance shall landing or storage areas for a helicopter, or other aircraft, be permitted as an accessory use. The planning and zoning director may allow other accessory uses if the director finds after consultation with the chairman of the planning board that they will not adversely affect neighboring properties, based upon the criteria listed in section 142-901. Appeal of the director's decision is to the board of adjustment pursuant to chapter 118, article VIII.
- (b) Permitted accessory uses. The following are permitted accessory uses in single-family districts:
 - (1) Day care facilities for the care of children are permitted if the following mandatory criteria are met:
 - a. A family day care facility shall be allowed to provide care for one of the following groups of children:
 - 1. A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this subsection.
 - 2. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool

children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this subsection.

3. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven under this subsection.
 - b. Signs on the property advertising the day care facility are prohibited.
 - c. The family day care facility complies with all applicable requirements and regulations of the state department of children and family services and the city's police, fire and building services departments. All of the South Florida Building Code, city property maintenance standards and fire prevention and safety code violations shall be corrected prior to the issuance of a city occupational license.
 - d. Play area shall only be located in the rear yard and equipment shall be limited to three pieces of equipment.
 - e. Day care is prohibited on Sundays.
 - f. The building shall maintain the external appearance of a single-family home.
 - g. Site plan shall be approved by the planning and zoning director. The plan shall include landscaping and a permitted wall or fencing enclosing the rear yard.
 - h. Family day care facilities shall not be located within 400 feet of another such facility; except that this restriction shall not apply to state-licensed family day care homes as defined in F.S. § 402.302(5).
- (2) The planning and zoning director may approve a second set of cooking facilities if the residence contains at least 3,600 square feet of floor area and the arrangement of such facilities or conditions at the property shall not result in the creation of an apartment unit. No more than one electric meter shall be placed on the property and that portion of the residence having the second set of cooking facilities shall not be rented. Appeal of the director's decision shall be to the board of adjustment.
- (3) Guest/servants quarters.
- (4) Home based business office, as provided in ~~s~~Section 142-1411.
- (5) Leases of single-family homes to a family (as defined in section 114-1) for not less than six months and one day, including extensions for lesser periods of leases permitted under this subsection to original leaseholders.
- a.—The advertisement, as defined in ~~s~~Section 142-109(b), of single-family homes for a period of less than six months and one day shall not be permitted for single-family districts, and shall be a violation of ~~this s~~Section 142-905(b)(5).
- ~~b-a.~~ Enforcement.
1. Violations of subsection 142-905(b)(5)~~a-~~ shall be subject to the following fines. The special master shall not waive or reduce fines set by this subsection.
 - A. If the violation is the first violation: ~~\$1,500.00~~ \$20,000.00

- B. If the violation is the second violation within the preceding 42 18 months:
~~\$3,000.00~~ \$40,000.00
- C. If the violation is the third violation within the preceding 42 18 months:
~~\$5,000.00~~ \$60,000.00
- D. If the violation is the fourth violation within the preceding 42 18 months:
~~\$7,500.00~~ \$80,000.00
- E. If the violation is the fifth or greater violation within the preceding 42 18 months: ~~\$10,000.00~~ \$100,000.00

Fines for repeat violations by the same offender shall increase regardless of locations. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for transient rental or occupancy at the single-family residential premises.

- 2. In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- 3. Any code compliance officer may issue notices for violations of this section 142-905(b)(5). Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section 142-905(b)(5). In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records.
- 4. The advertising or advertisement for the transient rental or occupancy, short-term rental or rental for period(s) of less than six months and one day of the residential property for the purpose of allowing such transient rental or occupancy, short-term rental or rental for period(s) of less than six months and one day at the residential premises is direct evidence that there is a violation of Subsection 142-905(b)(5), which is admissible in any proceeding to enforce Section 142-905(b)(5). The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-905(b)(5).
- b. Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-905(b)(5) above, for violations of Subsection (b)(5):
 - (1) Enhanced Penalties for Subsection (b)(5):
 - (a) The transient rental or occupancy must be immediately terminated, upon confirmation that a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.

- (b) If the offense is a second offense within the proceeding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$25,000.00.
- (c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 2. That Division 3, entitled "Supplementary Use Regulations," of Article IV, entitled "Supplementary District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 3. SUPPLEMENTARY USE REGULATIONS

* * *

Sec. 142-1111. Short-term rental of apartment units or townhomes.

(a) Limitations and prohibitions.

- (1) Unless a specific exemption applies below, the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, R0-3 or TH for periods of less than six months and one day.

- (2) Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

"Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

- (3) None of the districts identified below shall be utilized as a hotel.

(b) Previously existing short-term rentals in specified districts. For a period of six months after June 19, 2010, owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below.

(1) Eligibility: Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts. Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below:

(A) For apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same City of Miami Beach Resort Tax ("resort tax") account. In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:

- (i) Have been registered with the city for the payment of resort tax and made resort tax payments as of March 10, 2010; and
- (ii) Have had resort tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and
- (iii) Have been registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

For properties containing more than one apartment building, eligibility may apply to an individual building satisfying subsections (b)(1)(A)(i)—(iii) above.

(B) For apartment and townhouse buildings of three or less units, or for three or less apartment units in one or more buildings under the same state license. In order to demonstrate current, consistent and predominant short-term renting, the property must:

- (i) Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

(2) Time periods for the districts identified in subsection (b)(1) to apply for short-term rental approvals.

(A) Owners demonstrating compliance with subsection (b)(1) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(f), within a time period of six months from June 19, 2010, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(B) Within three months of June 19, 2010, eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.

- (D) Applications under this section may be accepted until 60 days after April 11, 2012, upon determination to the planning director that a government licensing error prevented timely filing of the application.
- (3) Eligibility within the Collins Waterfront Local Historic District. Owners of property located in the Collins Waterfront Local Historic District shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the requirements and provisions set forth below:
- (A) Only those properties located south of West 24th Terrace shall be eligible for short-term rentals.
 - (B) Only buildings classified as "contributing" in the city's historic properties database shall be eligible for short-term rentals. The building and property shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations.
 - (C) The property must have registered with the State of Florida as a transient or condominium pursuant to Chapter 509, Florida Statutes, as of the effective date of this ordinance.
 - (D) The property must have registered with the city for the payment of resort tax and made resort tax payments as of as of the effective date of this ordinance.
 - (E) Short-term rental use shall be based on a single use for the property. No building or property seeking to have short-term rentals will be permitted to have mixed residential uses.
 - (F) Any property seeking to have short-term rental will need to demonstrate that there is on-site management, 24 hours per day, seven days a week.
 - (G) The short-term rental use requires at least a seven-night reservation.
- (4) Time period to apply for short-term rental approvals for those properties located in the Collins Waterfront Architectural District.
- (A) Owners demonstrating compliance with subsection (b)(3), above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(e) within a time period of three months from the effective date of this ordinance, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.
 - (B) Within three months of the effective date of this ordinance, eligible owners shall have obtained all the necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.
 - (C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by the effective date of this ordinance, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent the building or fire departments from undertaking enforcement action prior to such date.
- (5) In the event a building approved for short-term rentals in accordance with subsections (b)(3) and (4), above, is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.

(c) Regulations. For those properties eligible for short-term rental use as per (b) shall be permitted, provided that the following mandatory requirements are followed:

- (1) Approvals required: applications. Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.

The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.

- (2) Time period. All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.
- (3) Contact person. All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (b). Each agreement, license, or lease, of scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.
- (4) Entire unit. Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.
- (5) Rules and procedures. The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.
- (6) Signs. No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
- (7) Effect of violations on licensure. Approvals shall be issued for a one-year period, but shall not be issued or renewed, if violations on three or more separate days at the unit, or at another unit in any building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.
- (8) Resort taxes. Owners are subject to resort taxes for rentals under this section, as required by city law.

(9) Association rules. Where a condominium or other property owners' association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (c)(1) above, are not prohibited by the association's governing documents, shall be submitted to the city as part of the application.

(10) Variances. No variances may be granted from the requirements of this section.

(d) Enforcement.

(1) Violations of ~~section~~ Subsection 142-1111(a), (b), or shall be subject to the following fines. The special master ~~may~~ shall not waive or reduce fines set by this section.

A. If the violation is the first violation: ~~\$500.00~~ \$20,000.00.

B. If the violation is the second violation within the preceding 42 18 months: ~~\$1,500.00~~ \$40,000.00.

C. If the violation is the third violation within the preceding 42 18 months: ~~\$5,000.00~~ \$60,000.00.

D. If the violation is the fourth violation within the preceding 42 18 months: ~~\$7,500.00~~ \$80,000.00.

E. ~~If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use allowing short-term rental~~ If the violation is the fifth or greater violation within the preceding 18 months: \$100,000.00, and the suspension or revocation of the certificate of use.

Fines for repeat violations by the same offender shall increase regardless of locations. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for the transient rental or occupancy at the premises.

(2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.

(3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a), and alternative enforcement of subsection 142-1111(b) and (c) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (c)(3) above.

(4) The advertising or advertisement for the transient rental, occupancy or short-term rental of the apartment or townhouse residential property for the purpose of allowing a rental for a period of less than six months and one day at the apartment or townhouse residential premises is direct evidence that there is a violation of Subsection 142-1111(a), which is admissible in any proceeding to enforce Subsection 142-1111(a).

The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-1111(a).

- (5) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection (d) above, for violations of Subsection 142-1111(a):

(1) Enhanced Penalties for Subsection 142-1111(a):

- (a) The transient rental or occupancy must be immediately terminated, upon confirmation that a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.
- (b) If the offense is a second offense within the proceeding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$25,000.00.
- (c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

Sponsored by Mayor Philip Levine

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Paul C. [Signature] 2/3/16
City Attorney Date
AB

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COMMISSION ITEM SUMMARY

Condensed Title:

Ordinance amendment to the land development regulations to consolidate and standardize the notification procedures for single family home determination of architectural significance.

Key Intended Outcome Supported:

Streamline the Delivery of Services Through All Departments. Improve Building Development Related Processes From Single Family Residences To The Large Development Projects.

Supporting Data (Surveys, Environmental Scan, etc The City's efforts to meet residents' expectations in delivering services dropped from 67% in 2012 to 58% in 2014.

Item Summary/Recommendation:**FIRST READING**

The subject ordinance requires that public notice for a single family home determination of architectural significance be in accordance with the section 118-8, subsections (b) Mail Notice, and (c) Posting, except that no public hearing shall be required.

On October 7, 2015, the Land Use and Development Committee recommended approval of the broader ordinance amendment for the consolidation and standardization of notification procedures.

On December 9, 2015, the City Commission adopted ordinances 2015-3976 and 3977, which consolidated all notice requirements in one section of the Code. The amendments set forth here are necessary to incorporate the remaining items into the consolidated notice requirements.

The Administration recommends that the City Commission approve the attached ordinance at First Reading and schedule a Second Reading Public Hearing for March 9, 2016.

Advisory Board Recommendation:

On October 27, 2015, the Planning Board (vote 7-0) transmitted the attached proposal to the City Commission with a favorable recommendation (Planning Board File No. 2297).

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2016\February\Planning\SFR Notification Procedures - First Reading SUM.docx

MIAMI BEACH

AGENDA ITEM RS4
DATE 2-10-16

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

FIRST READING

SUBJECT: **Consolidation Of Notification Procedures For Single Family Home Determination Of Architectural Significance**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, BY STRIKING THE REMAINING NOTICE PROVISIONS CONTAINED WITHIN CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", AT SECTION 142-108, ENTITLED "PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS" IN ORDER TO ENSURE CONSOLIDATION OF ALL NOTICE PROVISIONS IN NEW SECTION 118-8 ENTITLED "NOTIFICATION PROCEDURES;" BY AMENDING SECTION 142-108 TO CROSS-REFERENCE WITH SECTION 118-8; AND BY AMENDING SECTION 118-8 TO INCLUDE NOTICE REQUIREMENTS FOR ADMINISTRATIVE DECISIONS REQUIRING REVIEW; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the attached ordinance at First Reading and schedule a Second Reading, Public Hearing for March 9, 2016.

BACKGROUND

On June 10, 2015, at the request of Commissioner Deede Weithorn, the City Commission referred an ordinance regarding the consolidation and standardization of notification procedures to Land Use and Development Committee and the Planning Board (Item C4F).

On October 7, 2015, the Land Use and Development Committee recommended approval of the broader ordinance amendment for the general consolidation and standardization of notification procedures.

On December 9, 2015, the City Commission adopted ordinances 2015-3976 and 3977, which amended the Land Development Code in order to consolidate all notice requirements in one section of the Code and to ensure that all land use board noticing requirements were uniform.

As part of the code amendments, staff realized certain provisions were not included or updated, and due to advertising requirements for second reading, public hearing, on the ordinances, were unable to timely make the modifications to the two ordinances. The amendments set forth below are necessary to incorporate the remaining items into the consolidated notice requirements. The sponsor of the proposed ordinance is Michael Grieco.

ANALYSIS

As previously indicated, the City of Miami Beach is in the process of updating the City's procedures and on-line capabilities through the use of Energov and NOVUS Agenda. These systems will allow for an online collaboration in processing board applications and creating agendas for all City Commission and quasi-judicial board meetings. As part of this initiative, City departments are in the process of configuring the workflows which include the type of notice needed for the type of application being heard – whether there is a public hearing notice requirement, whether mailed notice or posting is required, and the time tables for producing said notice.

The proposed ordinance modifies the existing language in the code regarding the notification procedures for a single family home determination of architectural significance. The required notice is now in accordance with section 118-8, subsections (b) Mail Notice, and (c) Posting. Section 118-8 is the recently adopted City Code section which consolidated the notice requirements into one section.

In order to standardize the time frames for public notice, the timeframe has been extended from 10 days to 30 days for the public notice and final rendering of a determination of architectural significance of a single family home. The increase from 10 days to 30 days is the only substantive change to the notice requirements.

PLANNING BOARD REVIEW

On October 27, 2015, the Planning Board (vote 7-0) transmitted the attached ordinance to the City Commission with a favorable recommendation (Planning Board File No. 2297).

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

CONCLUSION

The Administration recommends that the City Commission approve the attached ordinance at First Reading and schedule a Second Reading, Public Hearing for March 9, 2016.

**CONSOLIDATION OF NOTIFICATION PROCEDURES FOR SINGLE FAMILY HOME
DETERMINATION OF ARCHITECTURAL SIGNIFICANCE**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRIKING THE REMAINING NOTICE PROVISIONS CONTAINED WITHIN CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS”, AT SECTION 142-108, ENTITLED “PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS” IN ORDER TO ENSURE CONSOLIDATION OF ALL NOTICE PROVISIONS IN NEW SECTION 118-8 ENTITLED “NOTIFICATION PROCEDURES;” BY AMENDING SECTION 142-108 TO CROSS-REFERENCE WITH SECTION 118-8; AND BY AMENDING SECTION 118-8 TO INCLUDE NOTICE REQUIREMENTS FOR ADMINISTRATIVE DECISIONS REQUIRING REVIEW; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is in the process of updating the City’s procedures and on-line capabilities through the use of Energov and NOVUS Agenda, which systems, will allow for an online collaboration in processing board applications and creating agendas for all City Commission and quasi-judicial board meetings; and

WHEREAS, as part of this initiative, City departments are in the process of configuring the workflows which include the type of notice need for the type of application being heard – whether there is a public hearing notice requirement, a mailed notice or property posting requirement, and the time tables for issuing said types of notice; and,

WHEREAS, until recently, the notice provisions for each board were located throughout the code, and were not easy to find as the notice provision was often subsumed within a larger ordinance, making it very difficult for the general public to understand the type of notice they can expect relating to a land use application; and

WHEREAS, on December 9, 2015, the City Commission adopted Ordinances 2015-3976 and 2015-3977, which allowed the City to amended the Land Development Code in order to consolidate all notice requirements in one section of the Code, at Section 118-8, and to modify the notice provisions to ensure that all land use board noticing requirements were uniform in application; and

WHEREAS, the ordinance consolidation at Section 118-8 also facilitated the implementation of the Energov and NOVUS Agenda software systems and ensured that staff does not err in providing proper notice of the various board actions; and

WHEREAS, as part of the code amendments, staff realized certain provisions were not included or updated, and due to advertising requirements for second reading, public hearing, on Ordinances 2015-3976 and 2015-3977, the administration was unable to timely make the modifications to the two original ordinances; and

WHEREAS, in order to accomplish the above stated objectives, the amendments set forth below are necessary so as to incorporate the remaining items into the consolidated notice provision of Section 118-8, as codified through the adoption of Ordinances 2015-3976 and 2015-3977.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

SECTION 1. Chapter 142 "Zoning Districts and Regulations." Article II "District Regulations", Division 2 "RS-1, RS-2, RS-3, RS-4 Single Family Residential Districts" at Section 142-108, "Provisions for the demolition of single-family homes located outside of historic districts," is hereby amended, as follows:

* * *

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

* * *

All requests for a determination as to the architectural significance of any single-family home constructed prior to 1942 shall be in writing, signed by the property owner, stating specifically the reasons asserted for the requested determination and shall include a copy of the building card, current color photos of the home, and any microfilm on record, and public notice shall be required in accordance with section 118-8, subsections (b) Mail Notice, and (c) Posting. ~~and two sets of mailing labels, with the names and addresses of all property owners of land located within 375 feet of the exterior boundary of the subject property, and an original certified letter stating that the ownership list and mailing labels are a complete and accurate representation of the real property and property owners within 375 feet of the subject property; such letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page and state the source for this information. Within five days of the receipt of a request, the planning department shall post a notice on the subject site and notice shall be given by mail to the owners of record of land lying within 375 feet of the property; the mail notification requirement shall be the responsibility of the applicant and must be completed within three days of the receipt of the notice.~~

Within ten days of posting the notice, interested persons may submit information to the planning director to take into consideration in evaluating the request. The director shall file the decision with the city clerk.

* * *

SECTION 2. Chapter 118, "Administrative and Review Procedures", Article I "In General", Section 118-8 "Notice Procedures for Quasi-Judicial, Public Hearing Land Use Board Actions" hereby amended as follows:

* * *

118-8 Notice Procedures for Quasi-Judicial, Public Hearing Quasi-Judicial Land Use Board Actions, and for Administrative Decisions Requiring Notice.

Quasi-judicial, public hearing, applications for land use board actions (Board of Adjustment, Design Review Board, Historic Preservation Board, and Planning Board) that require notice, and administrative decisions that require notice shall be noticed in accordance with the following provisions, unless otherwise more specifically provided for in these Land Development Regulations, and shall pay a fee pursuant to Section 118-7, and Appendix A:

- (a) *Advertisement.* At least 30 days prior to the quasi-judicial, public hearing date, a description of the request, and the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. Applicant shall be required to pay all associated costs relating to the advertisement.
- (b) *Mail Notice.* At least 30 days prior to the quasi-judicial, public hearing date, or in the case of an administrative decision requiring a mail notice, 30 days prior to the final rendered decision, a description of the request, and the date, start time of the meeting, and location of the hearing shall be given by mail to the owners of record of land lying within 375 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department. Additionally, courtesy notice shall also be given to any Florida nonprofit community organization which has requested of the director in writing to be notified of board hearings. Applicant shall be required to pay all associated costs relating to the mailed notice.
- (c) *Posting.* At least 30 days prior to the quasi-judicial, public hearing date, or in the case of an administrative decision, 30 days prior to the final rendered decision, a description of the request, and the date, time and place of such hearing shall be posted on the property. Such posting shall be a minimum dimension of 11 inches by 17 inches, and located in a visible location at the front of the property, and shall not be posted on a fence or wall that would be obstructed by the operation of a gate. Applicant shall be required to pay all associated costs relating to the posting.

* * *

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

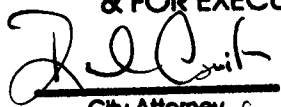
Rafael E. Granado, City Clerk


First Reading: February 10, 2016
Second Reading: March 9, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

[Sponsored by Commissioner Michael Grieco]

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

2/29/16

Date

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Condensed Title:

An Ordinance amending the composition of the Committee on the Homeless to include the Miami Beach Police Department as the Supporting Department to the Committee.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.):**Item Summary/Recommendation:**

The Committee on the Homeless was established in 1997 to serve in an advisory capacity to the Mayor and Commission on issues, strategies and approaches to address homelessness in our community. The Committee is comprised of nine (9) members, three appointed by the Mayor and six appointed respectively by each Commissioner. Committee members may be selected from homeless services providers as well as members of resident and business civic organizations. Currently, the Office of Housing and Community Services serves as the supporting department to the Committee.

The Committee's composition and the ordinance establishing the Committee have not been amended since 1998.

At the January 13, 2016 City Commission meeting, the Committee on the Homeless presented a variety of recommendations to address homelessness in our community. One of these recommendations was to expand the composition of the Committee to include representation from the Miami Beach Police Department so as to include their experience and knowledge as resources to the Committee as the Committee formulates its recommendations to the Mayor and Commission. The Mayor and Commission unanimously accepted this recommendation and directed the Administration to return with the required ordinance change at the February 10, 2016 meeting.

The attached ordinance proposes adding the Miami Beach Police Department as the supporting department to the Committee, in addition to the Office of Housing and Community Services, to ensure Police Department representation and participation during Committee meetings.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Maria L. Ruiz, Housing & Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR 	KGB 	JLM 

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 11, ENTITLED "COMMITTEE ON THE HOMELESS," BY AMENDING AND UPDATING THE PROVISIONS REGARDING THE COMPOSITION, KNOWLEDGE, AND EXPERIENCE OF BOARD MEMBERS, AND CITY DEPARTMENTAL SUPPORT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on First Reading and set a Second Reading and Public Hearing.

BACKGROUND

The Committee on the Homeless was established in 1997 to serve in an advisory capacity to the Mayor and Commission on issues, strategies and approaches to address homelessness in our community. The Committee is comprised of nine (9) members, three appointed by the Mayor and six appointed respectively by each Commissioner. Committee members may be selected from homeless services providers as well as members of resident and business civic organizations. Currently, the Office of Housing and Community Services serves as the supporting department to the Committee.

The Committee's composition and the ordinance establishing the Committee have not been amended since 1998.

ANALYSIS

At the January 13, 2016 City Commission meeting, the Committee on the Homeless presented a variety of recommendations to address homelessness in our community. One of these recommendations was to expand the composition of the Committee to include representation from the Miami Beach Police Department so as to include their experience and knowledge as resources to the Committee as the Committee formulates its recommendations to the Mayor and Commission.

The Mayor and Commission unanimously accepted this recommendation and directed the Administration to return with the required ordinance change at the February 10, 2016 meeting, and as sponsored by Commissioner John Aleman.

The attached ordinance proposes adding the Miami Beach Police Department as the supporting department to the Committee, in addition to the Office of Housing and Community Services, to ensure Police Department representation and participation during Committee meetings.

CONCLUSION

The Administration recommends amending the ordinance to include the Miami Beach Police Department as a supporting department to the Committee on the Homeless as a means of ensuring that the Department's experience and knowledge are available to support the Committee's work.

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JLM/KGB/MLR

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 11, ENTITLED "COMMITTEE ON THE HOMELESS," BY AMENDING AND UPDATING THE PROVISIONS REGARDING THE COMPOSITION, KNOWLEDGE, AND EXPERIENCE OF BOARD MEMBERS, AND CITY DEPARTMENTAL SUPPORT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Committee on the Homeless was established in 1997 and provides important advisory recommendations to the Miami Beach City Commission on homeless strategies; and

WHEREAS, the City Code provisions concerning the Committee on the Homeless have not been amended since 1998 and are outdated, in part, and should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 2-161, of Division 11, Article III, of Chapter 2 of the City Code is hereby amended as follows:

Chapter 2
ADMINISTRATION

* * *

Article III. Agencies, Boards and Committees

* * *

DIVISION 11. COMMITTEE ON THE HOMELESS

Sec. 2-161. Established; purpose, powers and duties; composition.

- (a) *Established.* There is hereby established the committee on the homeless, whose purposes, power and duties, composition, membership qualification, and general governing regulations are as set forth in this section.

- (b) *Purpose.* The mayor and city commission wish to create a committee to facilitate, implement, and empower the curative philosophy known as continuum of care.
- (c) *Powers and duties.* The committee shall have the power and duty to examine the issues of the homeless in the city and to recommend to the city commission a comprehensive strategy on the homeless.
- (d) *Composition.* The committee shall consist of nine members, three to be appointed by the mayor, and each commissioner to appoint one member. ~~The chairperson of the committee on the homeless or his designee shall serve as a nonvoting, ex-officio member of the community relations board.~~
- (e) *Knowledge and experience.* Each member of the committee shall be selected from membership in an organization such as, but not limited to, the following:

(1) *Service providers:*

- a. Douglas Gardens Community Mental Health Center.
- b. The Salvation Army.
- c. Better Way of Miami.
- d. Miami-Dade County Homeless Trust.

(2) *Civic representation:*

- a. ~~North Beach (North Beach Development Corporation).~~ Neighborhood, business, or homeowner association in an area of the City impacted by homeless issues.
- b. ~~Forty-first Street (Middle Beach Partnership).~~ A not-for-profit 501(c)(3) organization that promotes the health and welfare of homeless individuals.
- c. ~~Lincoln Road (Marketing Council).~~ Member of the general public with personal or professional experience with homeless issues.
- d. ~~Washington Avenue (Miami Beach Development Corporation and/or Washington Avenue Task Force).~~
- e. ~~Ocean Drive (Ocean Drive Improvement Association).~~
- f. ~~Collins Avenue (Hotel Association).~~
- g. ~~South Pointe (South Pointe Advisory Board to the Redevelopment Agency).~~
- h. ~~Member of the general public with personal experience with homeless issues.~~
- i. ~~CDBG Project Coordinator (ESG Emergency Shelter Grant Provider).~~

~~(3) City officials:~~

a. ~~Representatives from the police department and the city attorney's office as ex-officio members.~~

(f) *Supporting department.* The supporting department of the committee is the office of ~~the city manager~~ Housing and Community Services with the Police Department as a co-liaison to the committee.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2016.

PASSED AND ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor


ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor John Elizabeth Alemán)

Underline denotes new language
~~Strikethrough~~ denotes removed language

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-2-16

Date



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAUL AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

FROM: RAUL J. AGUILA, CITY ATTORNEY *Raul Aguil*

DATE: FEBRUARY 10, 2016

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING SECTION 142-109, ENTITLED "COMMERCIAL USE OF SINGLE-FAMILY HOMES PROHIBITED," BY AMENDING SUBSECTION (c)(1)b., REQUIRING AN OWNER OR RESIDENT TO SUBMIT AN AFFIDAVIT TO THE CITY MANAGER IDENTIFYING THE LIMITED COMMERCIAL USE AT THE RESIDENTIAL PROPERTY; BY AMENDING SUBSECTION (d) THAT REQUIRES NOTIFICATION TO BE REMITTED TO THE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, AND ESTABLISHING A REBUTTABLE PRESUMPTION STANDARD FOR ADVERTISING AND ADVERTISEMENT EVIDENCE, AND INCREASING THOSE MONETARY FINES FOR VIOLATIONS OF SECTION 142-109; BY CREATING SUBSECTION (f), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SECTION 142-109; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Philip Levine has proposed an ordinance amendment to Section 142-109 of the Miami Beach Code, which will modify several portions of the Ordinance, including a substantial increase in the monetary fines.

The Ordinance amendments are an important public policy component that will ensure the City's residents to the quiet enjoyment of their single and multifamily residences, and to make certain that the character and value of the residential neighborhoods and residences are protected and properly preserved. The City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, in conjunction with regulating the flow of traffic, which this Ordinance amendment directly advances these important governmental interests. This amendment will prohibit the unscrupulous conduct of those persons seeking to financial exploit the rental of single and multi-family residences, thereby creating adverse living conditions for the City residents that results in excessive number of guests, vehicle and noise that tragically impact these quiet residential communities.

The amendment to this Land Development Regulation must be presented to the Planning Board, and the Mayor and City commission must have this matter transmitted to the Planning Board for their review.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING SECTION 142-109, ENTITLED "COMMERCIAL USE OF SINGLE-FAMILY HOMES PROHIBITED," BY AMENDING SUBSECTION (c)(1)b., REQUIRING AN OWNER OR RESIDENT TO SUBMIT AN AFFIDAVIT TO THE CITY MANAGER IDENTIFYING THE LIMITED COMMERCIAL USE AT THE RESIDENTIAL PROPERTY; BY AMENDING SUBSECTION (d) THAT REQUIRES NOTIFICATION TO BE REMITTED TO THE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, AND ESTABLISHING A REBUTTABLE PRESUMPTION STANDARD FOR ADVERTISING AND ADVERTISEMENT EVIDENCE, AND INCREASING THOSE MONETARY FINES FOR VIOLATIONS OF SECTION 142-109; BY CREATING SUBSECTION (f), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SECTION 142-109; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDRs") restrict single-family and multi-family residential properties to residential and compatible uses; and

WHEREAS, the City's "LDRs" restrict certain residential properties to residential and compatible accessory uses, and commercial uses on such properties are prohibited, except that the LDRs allow film and print permits, garage sales and home based businesses at such properties; and

WHEREAS, the Code Compliance Division has reported numerous instances of residential properties being advertised as party houses, and where the house is used for a commercial enterprise for parties instead of as a single family residential use; and

WHEREAS, residential properties used for commercial gatherings, creates excessive numbers of guests, vehicles and noise, causing inappropriate adverse impacts on the surrounding residences and residential neighborhood; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, regulating traffic flow, and the amendment directly advances these interests which is narrowly tailored to serve those interests; and

WHEREAS, the advertisement of commercial events and transient occupancy of single and multi-family residences are more appropriately held in the zoning districts that are designed for such numbers of persons, with the impacts resulting therefrom more appropriately mitigated; and

WHEREAS, while residents are entitled to enjoy the use of their single residences consistent with the applicable regulations in the residential zoning districts, in order to ensure and protect the enjoyment, character and value of the residential neighborhoods and residences, the provisions herein are hereby adopted; and

WHEREAS, the City Commission finds that such regulations are consistent with, and further the public health, safety and welfare of the City.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Division 2, entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," of Article II, entitled "District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

* * *

Article II. District Regulations

* * *

Division 2. RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts

* * *

Sec. 142-109. Commercial use of single-family homes prohibited.

- (a) Intent and purpose. The land development regulations restrict residential properties to residential and compatible accessory uses. Commercial uses on residential properties are prohibited, with limited exceptions. While residents are entitled to enjoy the use of their property consistent with the applicable regulations, in order to ensure and protect the enjoyment, character and value of residential neighborhoods and buildings, the provisions herein are established.
- (b) Definitions.
 - (1) Use of residential property or use of the property in this section shall mean occupancy of residential property for the purpose of holding commercial parties, events, assemblies or gatherings on the premises.
 - (2) Advertising or advertisement shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various traditional media, including, but not limited to, newspaper, magazines, flyers, handbills, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.
- (c) Regulations: Determination of commercial use.
 - (1) Accessory use of residential property shall be deemed commercial and not permitted, except as otherwise provided for in the Code, if:

- a. Compensation to owner. The owner, lessee or resident receives payment or other consideration, e.g., goods, property or services, in excess of \$100.00 per party or event for the commercial use of the property, including payment by any means, direct or indirect, including security deposits; or
- b. Goods, property or services offered or sold. Goods, property or services are offered for sale or sold on or at the property, during use of the property; however, this subsection shall not apply, if:
 1. All of the goods, property or services offered are donated to or for charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
 2. All of the proceeds from sales are directly payable and paid to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws. An organization or candidate may reimburse donors for goods or property donated; or
 3. The sale is of the property itself or personal property of the owner or resident (excluding property owned by a business), and if publicly advertised, comply with subsection (3) below;
 4. Notwithstanding the restrictions in subsections (1)b.1—3., limited commercial use of the property by the owner or resident for the sale of goods, property or services shall be allowed under the following criteria. The event:
 - i. Is by private invitation only, not publicly advertised;
 - ii. Creates no adverse impacts to the neighborhood;
 - iii. The activity and its impacts are contained on the property;
 - iv. Parking is limited to that available on-site, plus 11 vehicles legally self-parked near the property, with no busing or valet service; and
 - v. Frequency is no greater than one (1) event per month; or
 5. The owner or resident must provide the City Manager an affidavit that identifies the limited commercial use of the residential property at least seventy-two (72) hours before the applicable limited commercial use is scheduled to commence pursuant to Subsection 142-109(c)(1)b., and the affidavit must include the applicable information set forth within subsections b.1. through b.4 setting forth detailed information supporting the exempted limited commercial use provided therein. The submission of a false affidavit is a misdemeanor of the second degree, punishing as provided in Sections 775.082 or 775.083 of the Florida Statutes; or
- c. Admittance fees. Use of the property by attendees requires an admittance or membership fee or a donation, excluding donations directly payable and paid by attendees to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
- d. Any advertising that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or

advertisement that promotes the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

- (2) Signs or advertising. Signs or other forms of advertising in connection with goods, property or services offered in connection with commercial use of the property, including the actual goods, property (except real property and structures thereon) or services, shall not be visible from the public right-of-way. This section shall not be construed to prohibit the display of real estate for sale or lease signs for the property.
 - (3) Real estate open houses. The following events are permitted: Open houses (open to the public) organized for the purpose of promoting the sale or lease of the residence where the open house is located, to potential buyers or renters, or events organized by the listing agent limited to licensed real estate brokers and/or agents, subject to the following:
 - a. No sale or display of goods, property or services by sponsoring businesses unrelated to the property; and
 - b. No charging admittance fees.
 - c. Events described in this subsection must end by 8:00 p.m.
- (d) Enforcement.

- (1) Violations of this section shall be subject to the following fines. The special master shall not waive or reduce fines set by this section.
 - a. If the violation is the first violation~~\$2,500.00~~ \$25,000.00
 - b. If the violation is the second violation within the preceding 18 months~~\$7,500.00~~ \$50,000.00
 - c. If the violation is the third violation within the preceding 18 months~~\$12,500.00~~ \$75,000.00
 - d. If the violation is the fourth or greater violation within the preceding 18 months~~\$20,000.00~~ \$100,000.00

Fines for repeat violations shall increase regardless of location. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for the purpose of holding a commercial party, event, assembly or gathering at the premises.

- (2) The advertising or advertisement for the commercial use of a residential property for the purpose of holding commercial parties, events, assemblies or gathering on the residential premises is direct evidence that there is a violation of Subsection 142-109(c), which is admissible in any proceeding to enforce Section 142-109. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-109.

- ~~(2)~~(3) In addition to or in lieu of the foregoing, the city may close down the commercial use of the property and/or seek an injunction against activities or uses prohibited under this section.

- ~~(3)~~(4) Any city police officer or code compliance officer may issue notices for violations of this section, with alternative enforcement as provided in section 1-14 ~~and chapter 30~~ of this Code. Violations shall be issued to the homeowner, and/or to any realtor, real estate agent, real estate broker, event planner, promoter, caterer, or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurred, a copy of the violation shall be provided to such owner.
- ~~(4)~~(5) Charitable, religious or political organizations or candidates for public office shall receive one courtesy notice in lieu of the first notice of violation only, after which fines will accrue starting with the first violation as prescribed. No courtesy notice in lieu of first notice of violation shall be available if a courtesy notice in lieu of first notice of violation has already been granted in the preceding 18-month period, regardless of location.
- ~~(5)~~(6) The city recognizes peoples' rights of assembly, free expression, religious freedom, and other rights provided by the state and federal constitutions. It is the intent of the city commission that no decision under this section shall constitute an illegal violation of such rights, and this section shall not be construed as such a violation.
- ~~(6)~~(7) The city manager or designee may adopt administrative rules and procedures to assist in the uniform enforcement of this section.
- (e) No variances shall be granted from this section. This section does not authorize commercial activities in residential neighborhoods that are otherwise prohibited or regulated by applicable law, unless expressly provided for herein.
- (f) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-109(d) above, for violations of Section 142-109:
 - (1) Enhanced Penalties for this Section:
 - (a) The commercial use must be immediately terminated, upon confirming a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.
 - (b) If the offense is a second offense within the proceeding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$50,000.00.
 - (c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

ATTEST:


RAFAEL GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR

Underscore denotes new language
~~Strike-through~~ denotes deleted language

(Sponsored by Mayor Philip Levine)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-2-16

Date

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R7

RESOLUTIONS

R7

COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting the Third Amendment to the Capital Budget for Fiscal Year 2015/16.

Key Intended Outcome Supported:

Ensure Value and Timely Delivery of Quality Capital Projects, Improve Storm Drainage Citywide, and Maintain City's Infrastructure

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

Planning for capital improvements is an ongoing process; as needs change within the City, capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City capital development, improvements and associated needs.

The City's capital improvement plan process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

The CIP is updated annually and submitted to the City Commission for adoption. The 2015/16 – 2019/20 Capital Improvement Plan and FY 2015/16 Capital Budget was adopted on September 30, 2015 by resolution 2015-29144

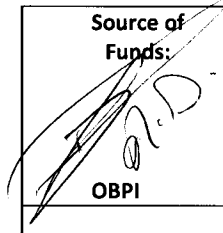
The first amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on December 9, 2015 via Resolution No. 2015-29144. The second amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on January 13, 2016 via Resolution No. 2016-29262.

Section 166.241(4)(c.), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget. The Third Amendment to the FY 2015/16 Capital Budget totals an increase of \$3,647,000 and re-appropriation of \$514,000, in order to provide funding to the following capital projects:

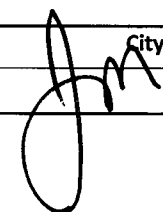
1. Bayshore Neighborhood - Bid Pack B - Lower North Bay Road
2. HVAC at NB Senior Center
3. Sunset Island 3&4 Water Main Replacement
4. Sanitation Interior Replacement
5. West Avenue Bridge Project

This amendment includes funding from the Capital Reserve. The remaining balance in the Capital Reserve fund after this amendment would be approximately \$4,494,000.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account
 OBPI	\$ 3,300,000	Capital Reserve Fund #304
	\$ 250,000	Renewal & Replacement Fund #125
	\$ 97,000	Water & Sewer Impact Fees Fund # 422
	Total	\$3,647,000

City Clerk's Office Legislative Tracking:

Sign-Offs: Department Director	Assistant City Manager	City Manager
		

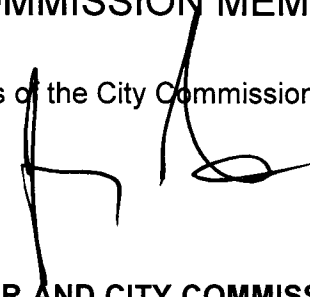


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2015/16.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Planning for capital improvements is an ongoing process; as needs change within the City, capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City capital development, improvements and associated needs.

The City's capital improvement plan process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

The CIP is updated annually and submitted to the City Commission for adoption. The 2015/16 – 2019/20 Capital Improvement Plan and FY 2015/16 Capital Budget was adopted on September 30, 2015 by resolution 2015-29144.

The First Amendment to the FY 2015/16 Capital Budget was approved on December 9, 2015 by resolution 2015-29220.

The Second Amendment to the FY 2015/16 Capital Budget was approved on January 13, 2016 by resolution 2016-29262.

Section 166.241(4)(c.), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget. Administration recommends adopting the resolution for the first amendment to the FY 2015/16 Capital Budget.

THIRD AMENDMENT TO THE FY 2015/16 CAPITAL BUDGET

The Third Amendment to the FY 2015/16 Capital Budget totals an increase of \$3,647,000 (of which \$2,200,000 is expected to be reimbursed by the County), and \$514,000 in re-appropriations, in order to provide additional funding to the following capital projects.

This amendment includes funding from the Capital Reserve. The remaining balance in the Capital Reserve fund after this amendment would be approximately \$4,494,000.

1. **Bayshore Neighborhood - Bid Pack B - Lower North Bay Road (Lighting):** At the January 13, 2016 Commission Meeting, the administration brought forth item # R7O regarding Lower North Bay Road Project which included an allowance for Street Lighting Improvements in the amount of \$400,000, however it was stated that this amount was insufficient to address all the lighting needs in this area. Resolution 2016-29274 was adopted for this item with direction for it to return to the City Commission with a potential budget amendment proposal to get the lighting done in this neighborhood. This amendment addresses that direction with an increase to the project in the amount of \$1,100,000 to be funded from a new appropriation from the Capital Reserve Fund 304.

Prior Years' Appropriations	\$14,548,102
February 10, 2016 Budget Amendment	1,100,000
Proposed Total Appropriations	\$15,648,102

2. **HVAC at NB Senior Center:** At the January 13, 2016 Commission Meeting, the Commission discussed item # R9L regarding North Beach Senior Center/HVAC-Related Matters. A motion was made by Commissioner Arriola to identify funding source (\$200,00 to \$250,000) and initiate repairs of the HVAC. This amendment addresses that motion by adding a new project in the amount of \$250,000 to the Capital Improvement Projects Plan to be funded from a new appropriation from available balance in the Renewal & Replacement Fund 125.

Prior Years' Appropriations	\$0
February 10, 2016 Budget Amendment	250,000
Proposed Total Appropriations	\$250,000

- 3. Sunset Island 3 & 4 (aka Bayshore Neighborhood - Bid Pack D) Water Main Replacement:** This amendment adds funding pursuant to item R7B approved at the January 27, 2016 Commission Meeting for the Sunset Drive Water Main Replacement Project in the amount \$326,000. Funding for this amendment comes from re-aligning remaining funds in an existing project (Utilities Relocations for State Projects) and from Water & Sewer Impact Fees as follows:

- \$229,000 re-aligned from Utilities Relocations for State Projects
- \$97,000 from a new appropriation from Water & Sewer Impact Fees Fund 422

Prior Years' Appropriations	\$11,576,660
February 10, 2016 Budget Amendment	326,000
Proposed Total Appropriations	\$11,902,660

- 4. Sanitation Interior Replacement:** This project was funded in FY 15 in the amount of \$75,000 for carpet & ceiling tile replacement, restroom renovation, locker replacement and stairway ceiling soffit renovation of the Sanitation Department facility. However an updated quote has come back in the amount of \$360,000. This amendment adds the additional funding needed in the amount of \$285,000 from re-appropriation of remaining funds in existing projects.

- \$285,000 re-appropriation from South Shore Community Center - HVAC Replacement

Prior Years' Appropriations	\$75,000
February 10, 2016 Budget Amendment	285,000
Proposed Total Appropriations	\$360,000

- 5. Joint Participation Agreement (JPA) With Miami-Dade County To Include The Harmonization Of Dade Boulevard To The West Avenue Bridge Project:** This amendment is in conjunction with item R7M on today's agenda regarding Joint Participation Agreement (JPA) with Miami-Dade County to include the harmonization of Dade Boulevard to the West Avenue bridge project. This amendment amends the scope of the capital project to add the harmonizing of Dade Boulevard (Bay Road to Venetian Bridge) with the new West Avenue Bridge and adds an additional \$2,200,000 to the project which is expected to be reimbursed by the County pursuant to Amendment No. 1 to the JPA. Funding for the \$2,200,000 will come from a new appropriation from Capital Reserve.

Prior Years' Appropriations	\$4,501,688
February 10, 2016 Budget Amendment	2,200,000
Proposed Total Appropriations	\$6,701,688

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

February 10, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Projects"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s); Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review, Applicability, Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.

An Ordinance Amending Chapter 130 "Off Street Parking," Article IV, "Off-Street Loading," By Modifying The Requirements For Calculating And Providing Required Loading Spaces For Existing Buildings, Changes In Use And New Construction, Including Enclosed Structures Used For The Storage And Parking Of Vehicles; Providing For Repealer, Severability, Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.

An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement;" By Amending Article II, Entitled "Special Master;" By Amending Section 30-37, Entitled "Terms Of Office; Compensation;" By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.

An Ordinance Amending Chapter 78 Of The City Of Miami Beach, Entitled "Personnel;" By Amending Article I, Entitled "In General;" By Amending Section 78-2, Entitled "Reserved;" To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:20 a.m.

An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration;" By Amending Article IV Entitled "Officers And Employees;" By Amending Section 2-191 Entitled "Enumeration Of Organizational Units;" By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:25 a.m. First Reading, Public Hearing

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages;" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions;" To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation, Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct;" By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:26 a.m. First Reading Public Hearing

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations;" Division 3, "Residential Multifamily Districts;" Division 4, "CD-1 Commercial, Low Intensity District;" Division 5, "CD-2 Commercial, Medium Intensity District;" Division 6, "CD-3 Commercial, High Intensity District;" Division 7, "CCC Civic And Convention Center District;" Division 8, "GC Golf Course District;" Division 9, "GU Government Use District;" Division 10, "HD Hospital District;" Division 11, "I-1 Light Industrial District;" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District;" Division 17, "WD-2 Waterway District;" Division 18, "PS Performance Standard District;" Division 20, "TC North Beach Town Center District;" To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations;" Division 2, "Accessory Uses;" Article V, "Specialized Use Regulations;" To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations;" Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations;" At Division 4 "Alcoholic Beverages;" By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.

A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

Dr. Stanley Sutinick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutinick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

Ad 1125

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager And Authorizing The City Manager To Approve And Execute A Work Order With Shiff Construction And Development, In The Not To Exceed Amount Of \$800,838 For The Construction Of A New Restroom/Office Facility For The Flamingo Park Master Plan Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract Plus Ten Percent Owner's Contingency In The Amount Of \$80,084 For A Total Of \$880,922 With Previously Appropriated Funding.

Key Intended Outcome Supported:

Build and maintain priority infrastructure with full accountability.

Supporting Data (Surveys, Environmental Scan, etc): The 2014 Customer Satisfaction Survey indicated that over 77% of residents rated recently completed capital improvement projects as "excellent" or "good".

Item Summary/Recommendation:

On September 05, 2007, pursuant to Request for Qualifications (RFQ) No. 15-06/07, the Mayor and City Commission adopted Resolution No. 2007-26609 approving and authorizing the Mayor and City Clerk to execute an Agreement with Wolfberg/Alvarez and Partners, Inc. (Consultant). On March 27, 2008 the Consultant was retained to prepare a master plan and provide for the detailed planning, design, permitting, bidding / award and construction administration for the Project.

On September 09, 2009, the City Commission approved the Master Plan and the Basis of Design Report (BODR) was issued November 2009.

At the July 25, 2014 Neighborhoods/Community Affairs Committee meeting, the Administration discussed the Flamingo Park Master Plan and presented options to continue as planned or revise the plan in order to incorporate elements that would satisfy the current needs of the community. The Committee agreed with the Administration's recommendation to locate the new restroom and office building as close as possible to the softball field and basketball courts.

On July 14, 2015, the Historic Preservation Board (HPB) reviewed the application to approve a new Certificate of Appropriateness for the Flamingo Park Master Plan with modifications. The HPB Board granted a Certificate of Appropriateness with conditions, and as per the HPB Order, the new restroom / office facility was approved as presented.

Along with the many residents and visitors who use Flamingo Park's playing fields and facilities, the City of Miami Beach Parks and Recreation Department (Parks) carries out several athletic programs at the Park. Currently, there are no operational restrooms in the northern portion of the Park to serve the users of the softball field, soccer field, basketball courts, handball courts and off-leash dog parks. The only existing restroom facility is closed due to its dilapidated state.

The new Restroom / Parks and Recreation Office Facility will provide office space and storage for Flamingo Park programs. The new building will house Parks and Recreation staff.

On April 23, 2015, an agreement for services specific to a new restroom / office facility was executed with Architektnics Inc. (Consultant) and the City of Miami Beach. A design was generated by the Consultant, with a comprehensive scope of work from the Parks and Recreation Department that included two (2) multi-use restrooms, office space, storage, and associated site work.

In the interest of time and the need for the restroom facilities, the City has chosen to expedite this project and use the Indefinite Quantity Contract (IQC) process.

Through the NJPA process, Shiff Construction and Development, Inc. was identified to have the qualifications and experience in performing the required scope. On January 6, 2016 the City and the Gordian Group met with the contractor to identify the necessary scope for the project. The initial proposal for \$838,164 was returned with comments and price adjustments. On January 15, 2016 the Contractor submitted a revised bid proposal utilizing the NJPA cooperative contract system in the amount of \$800,838 for the construction of a new restroom / office facility and associated site work.

The IQC proposal received exceeds the \$250,000 threshold limit approved by the City Commission for projects through the NJPA IQC contract award. Accordingly, approval is required from the City Commission in order to move forward.

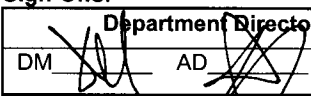

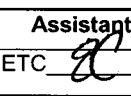
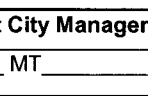
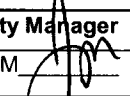
The total contract amount to be approved is \$800,838, plus owner's contingency in the amount of \$80,084, for a total of \$880,922.

The cost proposal was reviewed and analyzed by the architect, CIP and the Gordian Group and was found to be fair and reasonable.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Source of Funds:	Amount	Account
1	340,000	390-2320 2004 Miami-Dade County G.O. Bond
2	460,838	388-2320 SP Post RDA CDT & Municipal Resort Tax (Construction)
3	80,084	388-2320 SP Post RDA CDT & Municipal Resort Tax (Contingency)
OBPI Total	\$880,922	

Financial Impact Summary:**City Clerk's Office Legislative Tracking:****Sign-Offs:**

Department Director	Assistant City Manager	City Manager
DM  AD 	ETC  MT 	JLM 

T:\AGENDA\2016\January\CIP\Lower North Bay Road\Lower North Bay Road Amendment No 2.Summary.doc

Agenda Item R7B
Date 2-10-16

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE A WORK ORDER WITH SHIFF CONSTRUCTION AND DEVELOPMENT, IN THE NOT TO EXCEED AMOUNT OF \$800,838 FOR THE CONSTRUCTION OF A NEW RESTROOM/OFFICE FACILITY FOR THE FLAMINGO PARK MASTER PLAN PROJECT UTILIZING THE COMPETITIVELY BID NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT PLUS TEN PERCENT OWNER'S CONTINGENCY IN THE AMOUNT OF \$80,084 FOR A TOTAL OF \$880,922 WITH PREVIOUSLY APPROPRIATED FUNDING**

FUNDING

\$340,000	2004 Miami-Dade County G.O. Bond
\$460,838	SP Post RDA CDT & Municipal Resort Tax (Construction)
\$ 80,084	SP Post RDA CDT & Municipal Resort Tax (Contingency)

\$880,922	TOTAL
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ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

BACKGROUND

On September 05, 2007, pursuant to Request for Qualifications (RFQ) No. 15-06/07, the Mayor and City Commission adopted Resolution No. 2007-26609 approving and authorizing the Mayor and City Clerk to execute an Agreement with Wolfberg/Alvarez and Partners, Inc. (Consultant), for Professional Architecture and Engineering Services for the Flamingo Park Project. On March 27, 2008 the Consultant was retained to prepare a master plan and provide for the detailed planning, design, permitting, bidding / award and construction administration for the Project.

On September 09, 2009, the City Commission approved the Master Plan and the Basis of Design Report (BODR) was issued November 2009.

The design and construction of the new tennis center was completed in June 2012 and the Football/Track and Field was completed in September 2013. On January 15, 2014, the City Commission adopted Resolution No. 2014-28449 amending the professional services agreement with the Consultant to provide professional services associated with the design of the remaining Park improvements, which consist of a community garden, baseball field renovation, a restroom / office facility, the Lodge Building renovation, new park entrance features, enhanced pedestrian/ bike paths, a new water feature, teenage activity center, lighting enhancements, signage, drainage, landscaping and irrigation.

At the July 25, 2014 Neighborhoods/Community Affairs Committee meeting, the Administration discussed the Flamingo Park Master Plan and presented options to continue as planned or revise the plan in order to incorporate elements that would satisfy the current needs of the community. The Committee agreed with the Administration's recommendation to locate the new restroom and office building as close as possible to the softball field and the basketball courts.

On July 14, 2015, the Historic Preservation Board (HPB) reviewed the application to approve a new Certificate of Appropriateness for the Flamingo Park Master Plan with modifications. The HPB Board granted a Certificate of Appropriateness with conditions, and as per the HPB Order, the new restroom / office facility was approved as presented.

ANALYSIS

Along with the many residents and visitors who use Flamingo Park's playing fields and facilities, the City of Miami Beach Parks and Recreation Department (Parks) carries out several athletic programs at the Park. Currently, there are no operational restrooms in the northern portion of the Park to serve the users of the softball field, soccer field, basketball courts, handball courts and off-leash dog parks. The only existing restroom facility is closed due to its dilapidated state. The restrooms at the southern end of the park, which are located at the Tennis Center and in the pool facility, are the sole restrooms for all park users. The soccer field, which is located at the north end of the park, will soon commence construction and will reopen in spring 2016. With its opening, many teams will return to the park, increasing the number of users and visitors.

The new Restroom / Parks and Recreation Office Facility will provide office space and storage for Flamingo Park programs. The new building will house Parks and Recreation staff.

On April 23, 2015, an agreement for services specific to a new restroom / office facility was executed with Architektnics Inc. (Consultant) and the City of Miami Beach. A design was generated by the Consultant, with a comprehensive scope of work from the Parks and Recreation Department that included two (2) multi-use restrooms, office space, storage, and associated site work.

In the interest of time and the need for the restroom facilities, the City has chosen to expedite this project and use the Indefinite Quantity Contract (IQC) process. The IQC process, which is used extensively by local, state and federal governmental agencies throughout the United States, expedites the delivery of construction projects. The City, as a governmental agency member, is authorized to utilize the IQC contract for construction services competitively awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group.

Through the NJPA process, Shiff Construction and Development, Inc. was identified to have the qualifications and experience in performing the required scope. On January 6, 2016 the City and the Gordian Group met with the contractor to identify the necessary scope for the project. The initial proposal for \$838,164 was returned with comments and price adjustments. On January 15, 2016 the Contractor submitted a revised bid proposal utilizing the NJPA cooperative contract system in the amount of \$800,838 for the construction of a new restroom / office facility and associated site work.

The IQC proposal received exceeds the \$250,000 threshold limit approved by the City Commission for projects through the NJPA IQC contract award. Accordingly, approval is required from the City Commission in order to move forward and in an effort to meet the proposed completion goal of September 2016, to coincide with the Fall Sports Season. The total contract amount to be approved is \$800,838, plus owner's contingency in the amount of \$80,084, for a total of \$880,922.

The cost proposal was reviewed and analyzed by the architect, CIP and the Gordian Group and was found to be fair and reasonable.

CONCLUSION

The Administration recommends approval of the resolution.

Attachment
Shiff Construction Development Inc. Proposal

JM/ETC/MT/AD/DM 

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE A WORK ORDER WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC., IN THE NOT TO EXCEED AMOUNT OF \$800,838, FOR THE CONSTRUCTION OF A NEW RESTROOM/OFFICE FACILITY FOR THE FLAMINGO PARK MASTER PLAN PROJECT, UTILIZING THE COMPETITIVELY BID NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT; ALSO INCLUDING A TEN PERCENT OWNER'S CONTINGENCY, IN THE AMOUNT OF \$80,084, FOR A TOTAL OF \$880,922.

WHEREAS, on September 05, 2007, pursuant to Request for Qualifications (RFQ) No. 15-06/07, the Mayor and City Commission adopted Resolution No. 2007-26609, approving and authorizing the Mayor and City Clerk to execute an Agreement with Wolfberg/Alvarez and Partners, Inc. (Consultant), for Professional Architecture and Engineering Services for the Flamingo Park Project (the Project); and

WHEREAS, on March 27, 2008 the Consultant was retained to prepare a Master Plan and provide for the detailed planning, design, permitting, bidding / award and construction administration for the Project; and

WHEREAS, on September 09, 2009, the City Commission approved the Master Plan, and the Basis of Design Report (BODR) was issued November 2009; and

WHEREAS, on January 15, 2014, the City Commission adopted Resolution No. 2014-28449, amending the professional services agreement with Consultant to provide professional services associated with the design of the remaining Park improvements, which consist of a community garden, baseball field renovation, a restroom / office facility, the Lodge Building renovation, new park entrance features, enhanced pedestrian/ bike paths, a new water feature, teenage activity center, lighting enhancements, signage, drainage, landscaping and irrigation; and

WHEREAS, at the July 25, 2014 Neighborhoods/Community Affairs Committee meeting, the Administration discussed the Flamingo Park Master Plan and the Committee agreed with the Administration's recommendation to locate the new restroom and office building as close as possible to the softball field and basketball courts; and

WHEREAS, on July 14, 2015, the Historic Preservation Board (HPB) reviewed the application to approve a new Certificate of Appropriateness for the Flamingo Park Master Plan with modifications and granted the Certificate with conditions, and as per the HPB Order, the new restroom / office facility was approved as presented; and

WHEREAS, currently there are no operational restrooms in the northern portion of the Park to serve the users of the softball field, soccer field, basketball courts, handball courts and off-leash dog parks and the only existing restroom facility is closed due to its dilapidated state; and

WHEREAS, the restrooms at the southern end of the park, which are located at the Tennis Center and in the pool facility, are the sole restrooms for all park users; and

WHEREAS, the soccer field, which is located at the north end of the park, will soon commence construction and will reopen in Spring 2016, thereby increasing the number of users and visitors; and

WHEREAS, the new Restroom / Parks and Recreation Office Facility will provide office space and storage for Flamingo Park programs and the new building will house Parks and Recreation staff; and

WHEREAS, on April 23, 2015, an agreement for services specific to a new restroom / office facility was executed with Architektnics Inc. and a design was generated by Architektnics, that included two (2) multi-use restrooms, office space, storage, and associated site work; and

WHEREAS, in the interest of time and the need for the restroom facilities, the City has chosen to expedite this project and use the Indefinite Quantity Contract (IQC) process, which is used extensively by local, state and federal governmental agencies throughout the United States to expedite the delivery of construction projects; and

WHEREAS, the City, as a governmental agency member, is authorized to utilize the IQC contract for construction services competitively awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group and through the NJPA process, Shiff Construction and Development, Inc. was identified to have the qualifications and experience in performing the required scope; and

WHEREAS, on January 6, 2016 the City and the Gordian Group met with the contractor to identify the necessary scope for the project and the initial proposal for \$838,164 was returned with comments and price adjustments; and

WHEREAS, on January 15, 2016 the Contractor submitted a revised bid proposal utilizing the NJPA cooperative contract system in the amount of \$800,838 for the construction of a new restroom / office facility and associated site work; and

WHEREAS, the IQC proposal received exceeds the \$250,000 threshold limit approved by the City Commission for projects through the NJPA IQC contract award, and approval is required from the City Commission in order to move forward; and

WHEREAS, the total contract amount to be approved is \$800,838, plus owner's contingency in the amount of \$80,084, for a total of \$880,922.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the City Manager to approve and execute a work order with Shiff Construction and Development Inc., in the not to exceed amount of \$800,838, for the construction of a new restroom/office facility for the Flamingo Park Master Plan Project, utilizing the competitively bid National Joint Powers Alliance (NJPA) cooperative contract; also including a ten percent owner's contingency, in the amount of \$80,084, for a total of \$880,922.

PASSED AND ADOPTED this ____ day of _____, 2016.


Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

T:\AGENDA\2016\February\CIP\FlamingoPark Master Plan Restroom Office Facility\FlamingoPark.RestRoom.Office.Resolution.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-2-16

Date

Contractor's Price Proposal Summary - Categor

Print Date:	January 27, 2016
Contract Number:	FL06-022912-SCD
Work Order Number:	038312.00
Work Order Title:	Flamingo Park New Restroom / Office Facility
Contractor:	Shiff Construction & Development, Inc.
Proposal Value:	\$800,837.30
Proposal Name:	Flamingo Park New Restroom / Office Facility
<hr/>	
Category - 01-Bldg Pad:	\$33,512.12
Category - 01-Bond Fee:	\$16,625.29
Category - 01-Site:	\$6,355.68
Category - 01-Surveying:	\$11,866.10
Category - 02-Demolition:	\$25,496.49
Category - 02-Temp Fencing:	\$3,980.66
Category - 03-Bollard Light Base:	\$2,582.80
Category - 03-Concrete Shell:	\$184,670.08
Category - 06-Cabinetry Allowance:	\$7,257.58
Category - 06-Wood Bucking:	\$693.38
Category - 06-Wood Window Sill:	\$37.06
Category - 07-Downspouts:	\$2,672.08
Category - 07-Roofing:	\$52,291.34
Category - 07-Waterproofing:	\$205.54
Category - 08-Doors:	\$18,820.88
Category - 08-Impact Windows:	\$4,209.31
Category - 08-Overhead Coiling Door:	\$7,323.78
Category - 09-Acoustical Ceilings:	\$4,816.01
Category - 09-Chase Floor Paint:	\$282.46
Category - 09-Framing & Drywall:	\$14,923.30
Category - 09-Paint-Doors:	\$1,926.96
Category - 09-Paint-Exterior:	\$5,439.49
Category - 09-Paint-Interior:	\$5,995.67
Category - 09-RR Floor Tile:	\$6,946.02
Category - 09-RR Wall Tile:	\$25,111.03
Category - 09-Stucco:	\$13,883.86
Category - 09-Tile:	\$6,119.22
Category - 09-Wall Base:	\$465.72
Category - 10-Bathroom Accessories:	\$10,115.62
Category - 10-Bathroom Partitions:	\$10,507.93
Category - 22-Plumbing:	\$52,868.99
Category - 23-Mechanical:	\$31,159.23
Category - 26-Electrical:	\$87,811.27



Category - 31-Landscape Berm:	\$126,578.06
Category - 31-Site:	\$429.95
Category - 31-Termite Protection:	\$2,000.20
Category - 32-Irrigation Allowance:	\$2,000.00
Category - 32-Rooftop Equipment Screen:	\$1,516.32
Category - 32-Sidewalk:	\$9,603.13
Category - 32-Tree Relocation:	\$1,736.70
Proposal Total	\$800,837.30

This proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.

The Percentage of NPP on this Proposal: 5.6570%

Contractor's Price Proposal Detail - Categor

Print Date: January 27, 2016
Contract Number: FL06-022912-SCD
Work Order Number: 038312.00
Work Order Title: Flamingo Park New Restroom / Office Facility
Contractor: Shiff Construction & Development, Inc.
Proposal Value: \$800,837.30
Proposal Name: Flamingo Park New Restroom / Office Facility

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 01-Bldg Pad					
1	01 71 13 00-0003	EA		Equipment Delivery, Pickup, Mobilization And Demobilization Using A Tractor Trailer With Up To 53' BedFor equipment such as bulldozers, motor scrapers, hydraulic excavators, gradalls, road graders, loader-backhoes, heavy duty construction loaders, tractors, pavers, rollers, bridge finishers, straight mast construction forklifts, telescoping boom rough terrain construction forklifts, telescoping and articulating boom manlifts with > 40' boom lengths, etc.	\$1,036.85
			Quantity	Unit Price	Factor
			2.00	\$430.80	1.2034
			x	x	=
					Total
					\$1,036.85
				Mobilization- 1 for dozer and 1 for compactor	
2	01 74 19 00-0025	CY		Excavated Dirt Landfill Dump Fee	\$4,608.10
			Quantity	Unit Price	Factor
			271.00	\$14.13	1.2034
			x	x	=
					Total
					\$4,608.10
				Dump fees for excavated material	
3	01 74 19 00-0030	CYM		Hauling On Paved Roads, Miles Over Initial 15 Miles	\$1,418.63
			Quantity	Unit Price	Factor
			4,065.00	\$0.29	1.2034
			x	x	=
					Total
					\$1,418.63
				15*271CY	
4	31 05 13 00-0003	CY		Sand, Washed	\$12,898.67
			Quantity	Unit Price	Factor
			358.00	\$29.94	1.2034
			x	x	=
					Total
					\$12,898.67
				Sand required for bringing building pad to grade. 2,000SF slab area *10% @ 4' depth. plus 10% for compaction.	
5	31 05 16 00-0026	CY		Aggregate PlacementIncludes Spreading, Grading, Compaction Rolling	\$8,017.51
			Quantity	Unit Price	Factor
			358.00	\$18.61	1.2034
			x	x	=
					Total
					\$8,017.51
				Placement and compaction of building pad subgrade.	
6	31 11 00 00-0015	CY		Machine Loading Of Cleared And Grubbed Material	\$1,614.30
			Quantity	Unit Price	Factor
			271.00	\$4.95	1.2034
			x	x	=
					Total
					\$1,614.30
				22,000 SF site, avg of 4" material	
7	31 23 16 33-0003	CY		Bulk Excavation by Hydraulic Excavator, Front End Loader, Backhoe in Soil	\$942.49
			Quantity	Unit Price	Factor
			271.00	\$2.89	1.2034
			x	x	=
					Total
					\$942.49
				Cutting 4" of existing site material prior to placement of new material.	
8	31 23 16 33-0007	CY		Spreading, Shaping, and Rough Grading Imported or Stockpiled Material for Bulk Excavation by Machine	\$926.18
			Quantity	Unit Price	Factor
			271.00	\$2.84	1.2034
			x	x	=
					Total
					\$926.18

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 01-Bldg Pad					
9	31 23 23 23-0002	MGL		Compaction Water, Water Truck And OperatorUse this task in situations where fill, base material, etc. requires additional moisture to comply with the compaction specification. Includes delivery up to 15 miles. (Per 1000 Gallons) See CSI section 01 22 23 00-1163 for water truck when water is available on site.	\$2,049.39
	Excludes Material				
			Quantity	Unit Price	Factor
	Installation	20.00	x	\$85.15	x
				1.2034	=
					Total
					\$2,049.39
				Water used during compaction. Labor and equipment only. Material excluded. Use water on-site.	

Subtotal for Category - 01-Bldg Pad: **\$33,512.12**

Category - 01-Bond Fee					
10	01 22 16 00-0002	EA		Reimbursable FeesReimbursable Fees will be paid to the contractor for the actual cost of all permits, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0000. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.	\$16,625.29
			Quantity	Unit Price	Factor
	Installation	15,684.24	x	\$1.00	x
				1.0600	=
					Total
					\$16,625.29
				Bond fee on \$784,212.01	

Subtotal for Category - 01-Bond Fee: **\$16,625.29**

Category - 01-Site					
11	01 74 19 00-0014	EA		30 CY Dumpster (4 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$6,355.68
			Quantity	Unit Price	Factor
	Installation	8.00	x	\$660.18	x
				1.2034	=
					Total
					\$6,355.68

Subtotal for Category - 01-Site: **\$6,355.68**

Category - 01-Surveying					
12	01 71 23 16-0006	HR		3 Person Survey Crew (Unit Of Measure Is Per Crew Hour Worked)Includes surveyor, rodman, chainman, equipment and instruments.	\$11,866.10
			Quantity	Unit Price	Factor
	Installation	56.00	x	\$176.08	x
				1.2034	=
					Total
					\$11,866.10
				Surveying team.	

Subtotal for Category - 01-Surveying: **\$11,866.10**

Category - 02-Demolition					
13	01 74 19 00-0021	CY		Traditional Building Construction Materials Landfill Dump Fee	\$1,482.93
			Quantity	Unit Price	Factor
	Installation	84.00	x	\$14.67	x
				1.2034	=
					Total
					\$1,482.93
				Disposal fees for existing bathroom building and shuffleboard courts.	
14	01 74 19 00-0029	CYM		Hauling On Paved Roads, First 15 Miles	\$652.00
			Quantity	Unit Price	Factor
	Installation	1,260.00	x	\$0.43	x
				1.2034	=
					Total
					\$652.00
				Building-44 CY; Shuffleboard courts- 40 CY=84*15	

Record	Section - Item	Modifier	UOM	Description	Line Total		
Category - 02-Demolition							
15	02 41 16 13-0012		CCF	Demo Reinforced Concrete Building By Machine Remove Building	\$13,401.06		
			Quantity	Unit Price	Factor	Total	
	Installation	400.00	x	\$27.84	x	1.2034 =	\$13,401.06
Demo existing restroom building. Does not include gutting or stripping.							
16	02 MO D0 00-0004	0004	CCF	For Up To 500, Add	\$4,019.36		
			Quantity	Unit Price	Factor	Total	
	Installation	400.00	x	\$8.35	x	1.2034 =	\$4,019.36
17	02 41 16 13-0025		CF	Demo Reinforced Concrete Block Building Foundations	\$5,941.14		
			Quantity	Unit Price	Factor	Total	
	Installation	1,216.00	x	\$4.06	x	1.2034 =	\$5,941.14
Demo existing structure slab. 20'x20'x4"= 133CF; Also demo existing shuffleboard courts-; 50'x65' x 4"=1,083CF							

Subtotal for Category - 02-Demolition:**\$25,496.49****Category - 02-Temp Fencing**

18	01 56 26 00-0005		LF	Temporary 6' High Chain Link Fence And Posts, Up To 6 Months		\$1,588.49	
				Quantity	Unit Price	Factor	Total
			Installation	660.00 x	\$2.00 x	1.2034 =	\$1,588.49
			Temp fencing during construction.				
19	01 MO D0 00-0085	0085	LF	For > 500 LF, Deduct			-\$238.27
				Quantity	Unit Price	Factor	Total
			Installation	660.00 x	\$-0.30 x	1.2034 =	-\$238.27
20	01 56 26 00-0131		EA	20' Wide, 8' High, Temporary Chain Link Fence Gate, > 18 Months			\$884.69
				Quantity	Unit Price	Factor	Total
			Installation	2.00 x	\$367.58 x	1.2034 =	\$884.69
			2 temp. gates.				
21	32 31 13 00-0012		VLF	24" Diameter Hole, Auger By Machine Fence Post Hole In Soil			\$1,745.75
				Quantity	Unit Price	Factor	Total
			Installation	132.00 x	\$10.99 x	1.2034 =	\$1,745.75
			Auger holes every 10'- 660/10+66 * 2'				

Subtotal for Category - 02-Temp Fencing:**\$3,980.66****Category - 03-Bollard Light Base**

22	03 11 16 00-0002	SF	Concrete Form Liner, Various Patterns And Textures, Add To Formwork					\$851.33
			Quantity		Unit Price		Factor	Total
		Installation	296.00	x	\$2.39	x	1.2034 =	\$851.33
		Sonotube form for bollard light bases. 37 SQ per 6' deep bollard base.						
23	03 21 11 00-0006	TON	Grade 60 Reinforcing Steel, Footings And Slabs, #3-#6					\$337.36
			Quantity		Unit Price		Factor	Total
		Installation	0.15	x	\$1,868.93	x	1.2034 =	\$337.36
		440 LF of rebar @ #4 - 0.668 Lbs = 294 Lbs						
24	03 31 13 00-0005	CY	Direct Chute, Place 3000 PSI Concrete Pile Caps					\$660.52
			Quantity		Unit Price		Factor	Total
		Installation	6.00	x	\$91.48	x	1.2034 =	\$660.52
		Required for light fixture type A bases.						

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 03-Bollard Light Base					
25	03 MO D0 00-0035	0035	CY	For 4500 PSI Concrete, Add	\$55.16
				Quantity Unit Price Factor Total	
			Installation	6.00 x \$7.64 x 1.2034 =	\$55.16
26	03 MO D0 00-0043	0043	CY	For Up To 20, Add	\$43.61
				Quantity Unit Price Factor Total	
			Installation	6.00 x \$6.04 x 1.2034 =	\$43.61
27	32 31 13 00-0012		VLF	24" Diameter Hole, Auger By Machine Fence Post Hole In Soil	\$634.82
				Quantity Unit Price Factor Total	
			Installation	48.00 x \$10.99 x 1.2034 =	\$634.82
				Require for (8) fixture type A, each 6' deep.	
Subtotal for Category - 03-Bollard Light Base:					\$2,582.80
Category - 03-Concrete Shell					
28	01 22 23 00-0365		WK	1 CY, 24" Bucket, 14'-4" Deep, 75 HP, Loader-Backhoe With Full-Time Operator	\$2,950.05
				Quantity Unit Price Factor Total	
			Installation	1.00 x \$2,451.43 x 1.2034 =	\$2,950.05
29	02 41 19 13-0049		EA	Saw Cut Minimum ChargeFor projects where the total saw cutting charge is less than the minimum charge, use this task exclusively. This task should not be used in conjunction with any other tasks in this section.	\$428.48
				Quantity Unit Price Factor Total	
			Installation	1.00 x \$356.06 x 1.2034 =	\$428.48
				sawcut 202 LF of control joints once slab is poured.	
30	03 11 13 00-0003		SF	Continuous Footings Foundation Wood Formwork	\$2,514.08
				Quantity Unit Price Factor Total	
			Installation	635.00 x \$3.29 x 1.2034 =	\$2,514.08
				Formwork for footings	
31	03 11 13 00-0009		LF	Up To 6" High Slab Edge and Block-Out Wood Formwork	\$613.19
				Quantity Unit Price Factor Total	
			Installation	215.00 x \$2.37 x 1.2034 =	\$613.19
				Foundation slab formwork	
32	03 11 13 00-0015		LF	>12" To 18" Square Column Wood Formwork	\$3,527.89
				Quantity Unit Price Factor Total	
			Installation	84.00 x \$34.90 x 1.2034 =	\$3,527.89
				(6) tie columns	
33	03 11 13 00-0021		SF	>8' High Above Grade Wall Wood Formwork	\$5,602.62
				Quantity Unit Price Factor Total	
			Installation	698.00 x \$6.67 x 1.2034 =	\$5,602.62
				Formwork for 8" roof cap, 2 sides. 1' each side. 2'*349LF=698	
34	03 11 13 00-0024		SF	Vertical Sides of Elevated Beam Wood Formwork	\$15,593.90
				Quantity Unit Price Factor Total	
			Installation	2,817.00 x \$4.60 x 1.2034 =	\$15,593.90
				Elevated beam form area.	
35	03 11 13 00-0026		SF	Elevated Slab Wood Formwork	\$11,507.91
				Quantity Unit Price Factor Total	
			Installation	2,111.00 x \$4.53 x 1.2034 =	\$11,507.91
				Roof slab and overhang area.	

Record	Section - Item	Modifier	UOM	Description	Line Total		
Category - 03-Concrete Shell							
36	03 15 16 00-0012		LF	1/2" x 4" Premolded Felt Asphalt Expansion Joint, In Slabs Or Walls	\$470.39		
				Quantity	Unit Price	Factor	Total
			Installation	349.00 x	\$1.12 x	1.2034 =	\$470.38
				Expansion joint at perimeter of slab to block.			
37	03 21 11 00-0006		TON	Grade 60 Reinforcing Steel, Footings And Slabs, #3-#6	\$16,868.03		
				Quantity	Unit Price	Factor	Total
			Installation	7.50 x	\$1,868.93 x	1.2034 =	\$16,868.03
				Slab steel required for elevated roof deck.			
38	03 21 11 00-0014		TON	Grade 60 Reinforcing Steel, Beams, Columns, Walls, #3-#6	\$18,239.89		
				Quantity	Unit Price	Factor	Total
			Installation	8.00 x	\$1,894.62 x	1.2034 =	\$18,239.89
				Column and beam steel required for columns and elevated beams and fill cells.			
39	03 22 11 00-0005		SF	6 x 6 x #4, 58 LB/CSF, Welded Wire Reinforcement In Slabs, (W 4.0 x W 4.0)	\$2,069.85		
				Quantity	Unit Price	Factor	Total
			Installation	2,000.00 x	\$0.86 x	1.2034 =	\$2,069.85
				WWF for foundation slab.			
40	03 31 13 00-0014		CY	Concrete Pump, Place 3000 PSI Concrete Spread FootingsExcludes pumping equipment.	\$4,017.24		
				Quantity	Unit Price	Factor	Total
			Installation	32.00 x	\$104.32 x	1.2034 =	\$4,017.24
				Concrete for spread footings.			
41	03 MO D0 00-0036	0036	CY	For 5000 PSI Concrete, Add	\$363.14		
				Quantity	Unit Price	Factor	Total
			Installation	32.00 x	\$9.43 x	1.2034 =	\$363.14
42	03 31 13 00-0028		CY	Up To 6", By Concrete Pump, Place 3000 PSI Concrete Slab On GradeExcludes pumping equipment.	\$2,875.72		
				Quantity	Unit Price	Factor	Total
			Installation	26.00 x	\$91.91 x	1.2034 =	\$2,875.72
				Concrete for foundation slab,			
43	03 31 13 00-0046		CY	Concrete Pump, Place 3000 PSI Elevated Concrete BeamsExcludes pumping equipment.	\$4,561.91		
				Quantity	Unit Price	Factor	Total
			Installation	35.00 x	\$108.31 x	1.2034 =	\$4,561.91
				Pour all RTB and tie beams.			
44	03 MO D0 00-0036	0036	CY	For 5000 PSI Concrete, Add	\$397.18		
				Quantity	Unit Price	Factor	Total
			Installation	35.00 x	\$9.43 x	1.2034 =	\$397.18
45	03 31 13 00-0050		CY	Up To 6", By Concrete Pump, Place 3000 PSI Elevated Concrete SlabExcludes pumping equipment.	\$5,133.16		
				Quantity	Unit Price	Factor	Total
			Installation	45.00 x	\$94.79 x	1.2034 =	\$5,133.16
				Pour elevated slab and overhangs.			
46	03 MO D0 00-0036	0036	CY	For 5000 PSI Concrete, Add	\$510.66		
				Quantity	Unit Price	Factor	Total
			Installation	45.00 x	\$9.43 x	1.2034 =	\$510.66

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 03-Concrete Shell					
47	03 31 13 00-0057		CY	12" Square Or Round, By Concrete Pump, Place 3000 PSI Concrete ColumnsExcludes pumping equipment.	\$398.39
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$110.35 x	1.2034 =
					Total \$398.39
			Pour tie columns at restroom side.		
48	03 MO D0 00-0036 0036		CY	For 5000 PSI Concrete, Add	\$0.00
			Quantity	Unit Price	Factor
			Installation 0.00 x	\$9.43 x	1.2034 =
					Total \$0.00
49	03 31 13 00-0065		CY	8" Thick, By Direct Chute, Place 3000 PSI Concrete Walls	\$747.67
			Quantity	Unit Price	Factor
			Installation 6.00 x	\$103.55 x	1.2034 =
					Total \$747.67
			Pour block stemwall below grade. 8"W 12"Deep x 211LF= 5.2.		
50	03 MO D0 00-0036 0036		CY	For 5000 PSI Concrete, Add	\$62.89
			Quantity	Unit Price	Factor
			Installation 6.00 x	\$8.71 x	1.2034 =
					Total \$62.89
51	03 31 13 00-0078		CY	Concrete Pump, Place 3000 PSI Concrete CopingExcludes pumping equipment.	\$1,293.46
			Quantity	Unit Price	Factor
			Installation 6.50 x	\$165.36 x	1.2034 =
					Total \$1,293.46
			Pour 8" concrete cap for all block walls at roof.		
52	03 MO D0 00-0036 0036		CY	For 5000 PSI Concrete, Add	\$73.76
			Quantity	Unit Price	Factor
			Installation 6.50 x	\$9.43 x	1.2034 =
					Total \$73.76
53	03 31 13 00-0088		HR	92' Boom Truck For Concrete Placement (70 CY Per Hour Rating)	\$7,695.50
			Quantity	Unit Price	Factor
			Installation 40.00 x	\$159.87 x	1.2034 =
					Total \$7,695.50
			Concrete pump for slab, elevated beams (2 pours), roof deck and concrete coping cap.		
54	03 31 13 00-0094		HR	Trailer Mounted Concrete PumpIncludes hoses	\$2,306.48
			Quantity	Unit Price	Factor
			Installation 16.00 x	\$119.79 x	1.2034 =
					Total \$2,306.48
			Concrete pump for stem wall and fill cells.		
55	03 35 16 00-0003		SF	Concrete Floor Finishes, Broom	\$1,829.17
			Quantity	Unit Price	Factor
			Installation 4,000.00 x	\$0.38 x	1.2034 =
					Total \$1,829.17
			Slab and roof decks.		
56	03 35 16 00-0004		SF	Concrete Floor Finishes, Final Float	\$2,214.26
			Quantity	Unit Price	Factor
			Installation 4,000.00 x	\$0.46 x	1.2034 =
					Total \$2,214.26
			Slab and roof		
57	04 05 13 26-0002		CF	Type M Masonry Cement 1:1:6 Mix	\$626.97
			Quantity	Unit Price	Factor
			Installation 100.00 x	\$5.21 x	1.2034 =
					Total \$626.97
58	04 05 19 13-0017		CLF	#8 (For 8" Walls), Mill Galvanized, 3/16" Side Rods, 9 Gauge Cross Rods, Ladder-Type, Masonry Wall Reinforcement	\$798.03
			Quantity	Unit Price	Factor
			Installation 23.65 x	\$28.04 x	1.2034 =
					Total \$798.03
			14'/16"OC= 10.5 Courses- 11 * 215LF = 2,365 LF / 100= 23.65		

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 03-Concrete Shell					
59	04 05 26 00-0002	CSF		Exterior Building Scaffolding, 1 To 5 Story, Tubular Steel, Based On 1 Use/Month	\$40,699.42
			Quantity	Unit Price	Factor
		Installation	106.00 x	\$319.06 x	1.2034 =
					Total
					\$40,699.42
			5295/100=52.95*2 months for stucco, stucco cure and paint= 106		
60	04 22 23 13-0035	SF		8" x 16" x 8" Normal Weight Concrete Masonry Unit Partition Block (Sand Aggregate)	\$24,894.69
			Quantity	Unit Price	Factor
		Installation	3,604.00 x	\$5.74 x	1.2034 =
					Total
					\$24,894.69
61	04 22 23 13-0061	LF		8" x 16" x 8" Regular Weight Bond Beam Or Lintel Block (Block Only)	\$1,278.28
			Quantity	Unit Price	Factor
		Installation	173.00 x	\$6.14 x	1.2034 =
					Total
					\$1,278.28
			Lintels at openings		
62	07 13 53 00-0024	CSF		10 Mil PVC Vapor Barrier	\$597.61
			Quantity	Unit Price	Factor
		Installation	20.00 x	\$24.83 x	1.2034 =
					Total
					\$597.61
			2,000 SF Vapor barrier for slab.		
63	31 23 16 13-0011	CY		Backfilling or Placing Subbase for Trenches with Imported or Stockpiled Materials by Hand	\$559.10
			Quantity	Unit Price	Factor
		Installation	50.50 x	\$9.20 x	1.2034 =
					Total
					\$559.10
			Backfill trenches		
64	31 23 16 13-0018	CY		Load Excess Material by Machine for Removal from Excavation for Trenching	\$3.61
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$3.00 x	1.2034 =
					Total
					\$3.61
65	31 23 16 36-0006	CY		Excavation For Building Foundations And Other Structures By Hydraulic Excavator, Backhoe, Loader in Soil	\$345.50
			Quantity	Unit Price	Factor
		Installation	82.50 x	\$3.48 x	1.2034 =
					Total
					\$345.50
			Excavate all footings. 55CY (12" below grade) plus additional 50% for access to install forms and bracing.		
Subtotal for Category - 03-Concrete Shell:					\$184,670.08
Category - 06-Cabinetry Allowance					
66	06 41 13 00-0014	LF		Up To 15" Width, 34-1/2" High x 24" Deep Built-In-Place Base CabinetPrefinished with solid hardwood face frames, hardwood door frames and drawer fronts. Hardwood veneer on raised door panels. Excludes top.	\$3,725.00
			Quantity	Unit Price	Factor
		Installation	15.00 x	\$206.36 x	1.2034 =
					Total
					\$3,725.00
			Allowance for work area cabinetry.		
67	06 41 13 00-0084	LF		Up To 15" Wide, 36" High x 13" Deep Built In Place Single Door Wall CabinetPrefinished with solid hardwood face frames, hardwood door frames. Hardwood veneer on raised door panels.	\$3,090.51
			Quantity	Unit Price	Factor
		Installation	15.00 x	\$171.21 x	1.2034 =
					Total
					\$3,090.51
			Allowance for work area cabinetry.		
68	12 36 23 13-0004	LF		Plastic Laminate Counter Top With Backsplash, Up To 26" Deep	\$442.07
			Quantity	Unit Price	Factor
		Installation	15.00 x	\$24.49 x	1.2034 =
					Total
					\$442.07
			Allowance for plastic laminate countertop in work area.		
Subtotal for Category - 06-Cabinetry Allowance:					\$7,257.58

Record	Section - Item	Modifier	UOM	Description	Line Total		
Category - 06-Wood Bucking							
69	06 11 16 00-0147		LF	2" x 4" Pressure Treated Wood Blocking To Concrete	\$693.38		
			Quantity	Unit Price	Factor	Total	
	Installation	194.00	x	\$2.97	x	1.2034 =	\$693.38
	Wood bucking at windows and louvers.						
Subtotal for Category - 06-Wood Bucking:					\$693.38		
Category - 06-Wood Window Sill							
70	06 11 16 00-0073		LF	2" x 4" Pressure Treated Wood Sill	\$37.06		
			Quantity	Unit Price	Factor	Total	
	Installation	22.00	x	\$1.40	x	1.2034 =	\$37.06
	Wood sill at windows per detail 8, A-8.1.						
Subtotal for Category - 06-Wood Window Sill:					\$37.06		
Category - 07-Downspouts							
71	03 48 16 00-0002		EA	Precast Concrete Splash Blocks, Standard Size	\$27.20		
			Quantity	Unit Price	Factor	Total	
	Installation	4.00	x	\$5.65	x	1.2034 =	\$27.20
72	04 72 00 00-0031		SF	6" Precast Concrete Coping	\$753.38		
			Quantity	Unit Price	Factor	Total	
	Installation	12.00	x	\$52.17	x	1.2034 =	\$753.38
	Task used for pre-cast concrete overflow scupper. 3sf ea * 4=12SF						
73	07 71 23 00-0227		LF	4" Diameter, 0.018" Thick, Round Stainless Steel Downspout	\$1,214.66		
			Quantity	Unit Price	Factor	Total	
	Installation	44.00	x	\$22.94	x	1.2034 =	\$1,214.66
	(4) @ 11'EA						
74	07 71 23 00-0234		EA	Thru-Wall Stainless Steel Scupper Outlet	\$676.84		
			Quantity	Unit Price	Factor	Total	
	Installation	4.00	x	\$140.61	x	1.2034 =	\$676.84
Subtotal for Category - 07-Downspouts:					\$2,672.08		
Category - 07-Roofing							
75	07 22 16 00-0029		SF	3/4" Thick, R2.89, Molded Expanded Polystyrene, Roof Board Insulation (MEPS)	\$2,719.68		
			Quantity	Unit Price	Factor	Total	
	Installation	2,000.00	x	\$1.13	x	1.2034 =	\$2,719.68
	Step 5. 3/4" DuraBoard installed over tapered insulation with hot asphalt						
76	07 22 16 00-0050		SF	3" Thick, R21.74, Polyisocyanurate, Roof Board Insulation	\$4,765.46		
			Quantity	Unit Price	Factor	Total	
	Installation	2,000.00	x	\$1.98	x	1.2034 =	\$4,765.46
	Step 2. R20 EnergyGuard Polyiso installed ovr prime deck.						
77	07 22 16 00-0067		SF	1/4" Tapered Polyisocyanurate Board	\$26,859.89		
			Quantity	Unit Price	Factor	Total	
	Installation	6,000.00	x	\$3.72	x	1.2034 =	\$26,859.89
	Step 3. Install tapered insulation. 60 squares required due to design and location of scuppers.						
78	07 51 13 00-0014		SQ	Asphalt Coated Fiberglass Venting Base Sheet, Hot-Mopped	\$1,811.84		
			Quantity	Unit Price	Factor	Total	
	Installation	20.00	x	\$75.28	x	1.2034 =	\$1,811.84
	Step 6. Install 1 ply of GAFLAS Stratavent Eliminator Perforated Venting base sheet.						

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 07-Roofing					
79	07 51 13 00-0050		LF	4" x 4" Perlite Cant Strip	\$444.36
				Quantity Unit Price Factor Total	
			Installation	211.00 x \$1.75 x 1.2034 =	\$444.36
				4" cant strip.	
80	07 51 13 00-0071		EA	Up To 50 SQ, 20 Year Roofing System Warranty	\$661.87
				Quantity Unit Price Factor Total	
			Installation	1.00 x \$550.00 x 1.2034 =	\$661.87
				20 year roof warranty	
81	07 51 13 00-0156		SQ	TREMprime WB PrimerWater based polymer modified asphalt primer.	\$348.26
				Quantity Unit Price Factor Total	
			Installation	20.00 x \$14.47 x 1.2034 =	\$348.26
				Step 1. Concrete primer	
82	07 52 16 12-0006		SQ	120 Mil, SBS Modified Bitumen Base Or Ply Sheet, Hot-Mopped	\$3,163.29
				Quantity Unit Price Factor Total	
			Installation	22.81 x \$115.24 x 1.2034 =	\$3,163.29
				Step 7. Install 1 Rubberoid 20 ply sheet. 20SQ. plus flashing plies over coping cap16" *211LF=2.81	
83	07 52 16 12-0013		SQ	160 Mil, Granule Surfaced, SBS Modified Bitumen Cap Sheet, Hot-Mopped	\$2,778.89
				Quantity Unit Price Factor Total	
			Installation	20.00 x \$115.46 x 1.2034 =	\$2,778.89
				Step 8. Install 1 Rubberoid 20 cap sheet.	
84	07 62 00 00-0015		SF	24 Gauge, 0.025" Thick, Stainless Steel Flashing And Trim	\$2,624.09
				Quantity Unit Price Factor Total	
			Installation	281.00 x \$7.76 x 1.2034 =	\$2,624.09
				211 LF 20 GA stainless steel 8" coping cap per per sheet A-2.3 - 4" on each side of cap. 16" total.	
85	07 62 00 00-0044		LF	12-14" Wide (Stretch-out), 0.04" Thick, Mill Finish, Aluminum Coping System With Galvanized Steel Cleats	\$3,354.25
				Quantity Unit Price Factor Total	
			Installation	211.00 x \$13.21 x 1.2034 =	\$3,354.25
				ARBS blocking cleat system 16GA steel	
86	07 62 00 00-0051		SF	24 Gauge, Galvanized Steel Flashing	\$835.22
				Quantity Unit Price Factor Total	
			Installation	105.00 x \$6.61 x 1.2034 =	\$835.22
				Detail 4, sheet A-8.2. Galvanized metal wall flashing-211LF*6"	
87	07 71 19 00-0023		LF	24 Gauge Galvanized Steel Gravel Stop, 4" Face, With Continuous Cleat	\$1,269.59
				Quantity Unit Price Factor Total	
			Installation	211.00 x \$5.00 x 1.2034 =	\$1,269.59
				Galvanized stucco stop per detail 8, Sht A8.2	
88	07 73 00 00-0006		SF	1/2" Thick, Surface Primed, Fiberglass Mat Faced, Moisture Resistant Gypsum Core, Roof Protection Board (Georgia-Pacific DensDeck® Prime)	\$654.65
				Quantity Unit Price Factor Total	
			Installation	400.00 x \$1.36 x 1.2034 =	\$654.65
				Step 4. Installtion of crickets over tapered insulation.	
Subtotal for Category - 07-Roofing:					\$52,291.34
Category - 07-Waterproofing					

Record	Section - Item	Modifier	UOM	Description	Line Total		
Category - 07-Waterproofing							
89	07 14 00 00-0013		SF	Fluid Elastomeric Copolymer Compound For Slabs 32 Mil	\$205.54		
			Quantity	Unit Price	Factor	Total	
	Installation	122.00	x	\$1.40	x	1.2034 =	\$205.54
			Fluid applied waterproofing "Top Coat" by GAF NOA10-0822901 to tops of overhangs				
Subtotal for Category - 07-Waterproofing:					\$205.54		
Category - 08-Doors							
90	08 05 13 00-0011		EA	For > 2 To 4 SF, Site Installed 20 Gauge Metal Frame For Vision Glass In Door, Add	\$172.29		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$143.17	x	1.2034 =	\$172.29
			Vision panel for doors 3 and 4				
91	08 12 13 13-0003		EA	2' x 6'-8" Through 7'-2" x 4-3/4" Deep Metal Door Frame, 16 Gauge	\$196.32		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$163.14	x	1.2034 =	\$196.32
			Door 13				
92	08 MO D0 00-0073	0073	EA	For Welded Frames, Add	\$54.15		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$45.00	x	1.2034 =	\$54.15
93	08 12 13 13-0008		EA	3' x 6'-8" Through 7'-2" x 4-3/4" Deep Metal Door Frame, 16 Gauge	\$2,507.89		
			Quantity	Unit Price	Factor	Total	
	Installation	10.00	x	\$208.40	x	1.2034 =	\$2,507.89
			Doors 1 thru 3, & 6 thru 12.				
94	08 MO D0 00-0073	0073	EA	For Welded Frames, Add	\$541.53		
			Quantity	Unit Price	Factor	Total	
	Installation	10.00	x	\$45.00	x	1.2034 =	\$541.53
95	08 12 13 13-0015		EA	6' x 6'-8" Through 7'-2" x 4-3/4" Deep Metal Door Frame, 16 Gauge	\$307.42		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$255.46	x	1.2034 =	\$307.42
			Door 4				
96	08 MO D0 00-0073	0073	EA	For Welded Frames, Add	\$54.15		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$45.00	x	1.2034 =	\$54.15
97	08 13 13 13-0133		EA	2' x 7' x 1-3/4" 16 Gauge Metal Door (Unrated)	\$546.85		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$454.42	x	1.2034 =	\$546.85
			Door 13				
98	08 13 13 13-0138		EA	3' x 7' x 1-3/4" 16 Gauge Metal Door (Unrated)	\$5,751.77		
			Quantity	Unit Price	Factor	Total	
	Installation	10.00	x	\$477.96	x	1.2034 =	\$5,751.77
			Doors 1 thru 3, & 6 thru 12. Bi-fold metal door does not available in catalog.				
99	08 13 13 13-0145		PR	Pair 3' x 7' x 1-3/4" 16 Gauge Metal Door (Unrated)	\$1,144.87		
			Quantity	Unit Price	Factor	Total	
	Installation	1.00	x	\$951.36	x	1.2034 =	\$1,144.87
			Door 4				

Record	Section - Item	Modifier	UOM	Description	Line Total	
Category - 08-Doors						
100	08 71 16 00-0006	PR		4-1/2" x 4-1/2" Standard Duty, Full Mortise, Plain Bearing, Brass/Bronze, Satin Chrome Finish Hinge	\$1,072.01	
			Quantity	Unit Price	Factor	Total
		Installation	18.00 x	\$49.49 x	1.2034 =	\$1,072.01
		Hinges for each door. 1.5x 13=19.5				
101	08 71 16 00-2076	EA		3' Push Bar Exit Device, Rim TypeAnodized finish: aluminum or dark brown. Von Duprin Series 22.	\$944.52	
			Quantity	Unit Price	Factor	Total
		Installation	2.00 x	\$392.44 x	1.2034 =	\$944.52
		For doors 3 & 4				
102	08 71 16 00-2080	EA		Dummy Trim, Von Duprin Series 22Anodized finish: aluminum or dark brown.	\$63.43	
			Quantity	Unit Price	Factor	Total
		Installation	1.00 x	\$52.71 x	1.2034 =	\$63.43
		Door 4, inactive leaf.				
103	08 71 16 00-2083	EA		Lever Trim With Cylinder, Von Duprin Series 22Anodized finish: aluminum or dark brown.	\$471.35	
			Quantity	Unit Price	Factor	Total
		Installation	2.00 x	\$195.84 x	1.2034 =	\$471.35
		Doors 3 & 4.				
104	08 71 16 00-2153	EA		Surface Mounted Heavy Duty Door Closer - LCN 4040/4041 Series	\$1,419.34	
			Quantity	Unit Price	Factor	Total
		Installation	4.00 x	\$294.86 x	1.2034 =	\$1,419.34
		Closers for doors 1, 2, 3 and 4.				
105	08 71 16 00-2199	EA		Extra Heavy Duty Cylindrical Passage Or Closet Lockset F75Satin chrome plated US 26D (BHMA 626) - BHMA 156.2-1989, Grade 1(Corbin Russwin CL 3300).	\$534.41	
			Quantity	Unit Price	Factor	Total
		Installation	2.00 x	\$222.04 x	1.2034 =	\$534.41
		Doors 10, & 11				
106	08 71 16 00-2200	EA		Extra Heavy Duty Cylindrical Privacy Bath/Bedroom Lockset F76Satin chrome plated US 26D (BHMA 626) - BHMA 156.2-1989, Grade 1(Corbin Russwin CL 3300).	\$1,194.98	
			Quantity	Unit Price	Factor	Total
		Installation	4.00 x	\$248.25 x	1.2034 =	\$1,194.98
		Doors 7 , 8, 9, & 12				
107	08 71 16 00-2203	EA		Extra Heavy Duty Cylindrical Storeroom Or Closet Lockset F86Satin chrome plated US 26D (BHMA 626) - BHMA 156.2-1989, Grade 1(Corbin Russwin CL 3300).	\$324.92	
			Quantity	Unit Price	Factor	Total
		Installation	1.00 x	\$270.00 x	1.2034 =	\$324.92
		Door 6				
108	08 71 16 00-2205	EA		Extra Heavy Duty Cylindrical Utility Lockset F87Satin chrome plated US 26D (BHMA 626) - BHMA 156.2-1989, Grade 1(Corbin Russwin CL 3300).	\$702.18	
			Quantity	Unit Price	Factor	Total
		Installation	2.00 x	\$291.75 x	1.2034 =	\$702.18
		Doors 1 & 2				
109	08 71 16 00-2471	LF		3/8" x 3/16", Silicon Compression Bulb, Adhesive Backed Perimeter Gasketing Weather-Strip (Pemko PK33)	\$288.82	
			Quantity	Unit Price	Factor	Total
		Installation	120.00 x	\$2.00 x	1.2034 =	\$288.82

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 08-Doors					
110	08 71 16 00-2524		LF	2-1/4" Width, 3/16" Height, Aluminum Saddle Threshold (Pemko 173A)	\$527.67
			Quantity	Unit Price	Factor
	Installation	36.00	x	\$12.18	x
				1.2034	=
					Total
					\$527.67
				11 threshold, 10 @ 3', 1 @ 6'	
Subtotal for Category - 08-Doors:					\$18,820.88
Category - 08-Impact Windows					
111	08 12 13 13-0110		SF	4-3/4" Deep Sidelights, 16 Gauge Frame	\$347.16
			Quantity	Unit Price	Factor
	Installation	9.33	x	\$30.92	x
				1.2034	=
					Total
					\$347.16
				(1) Sidelight for entry door type E.	
112	08 51 13 00-0117		EA	>20 To 30 SF, 3-1/4" Frame Depth, HC 65, Fixed Aluminum Window (Traco TR-7900)	\$1,946.76
			Quantity	Unit Price	Factor
	Installation	4.00	x	\$404.43	x
				1.2034	=
					Total
					\$1,946.76
				Impact windows at office area.	
113	08 81 23 00-0049		SF	1/2" Thick, Laminated Glass With PVB Interlayer, Factory Installed Glass	\$1,269.13
			Quantity	Unit Price	Factor
	Installation	81.00	x	\$13.02	x
				1.2034	=
					Total
					\$1,269.13
114	08 87 23 16-0004		SF	0.004" Clear, High Performance, Security And Safety Glazing Film (3M Scotchshield™ SCLARL400)	\$646.26
			Quantity	Unit Price	Factor
	Installation	81.00	x	\$6.63	x
				1.2034	=
					Total
					\$646.26
				Glazing film to achieve impact rating	
Subtotal for Category - 08-Impact Windows:					\$4,209.31
Category - 08-Overhead Coiling Door					
115	08 33 26 00-0020		EA	8' x 8', Steel Overhead Coiling Grilles, Manual Lift	\$4,059.32
			Quantity	Unit Price	Factor
	Installation	1.00	x	\$3,373.21	x
				1.2034	=
					Total
					\$4,059.32
				(1) Manual 8'0x7'0 Coiling overhead door	
116	08 MO D0 00-0156	0156	EA	For Aluminum With Clear Or Anodized Bronze Finish, Add	\$863.70
			Quantity	Unit Price	Factor
	Installation	1.00	x	\$717.72	x
				1.2034	=
					Total
					\$863.70
117	08 33 26 00-0051		EA	Add For Motor OperatorIncludes motor, supports, push button operator, stationary electronic eye, signal wiring from eye to motor and motor to operator.	\$2,006.74
			Quantity	Unit Price	Factor
	Installation	1.00	x	\$1,667.56	x
				1.2034	=
					Total
					\$2,006.74
				Motor for coiling grille.	
118	08 33 39 00-0060		EA	Up To 10' Wide Doors, Roll And Motor Hood For Rytec® PredaDoor® High-Speed Rolling Doors	\$394.02
			Quantity	Unit Price	Factor
	Installation	1.00	x	\$327.42	x
				1.2034	=
					Total
					\$394.02
				Metal Hood for overhead coiling door per detail 10, A-8.3.	
Subtotal for Category - 08-Overhead Coiling Door:					\$7,323.78
Category - 09-Acoustical Ceilings					

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 09-Acoustical Ceilings					
119	09 51 13 00-0003		SF	2' x 2' x 5/8" Fiberglass Acoustical Ceiling Panel	\$1,730.97
				Quantity Unit Price Factor Total	
			Installation	1,160.00 x \$1.24 x 1.2034 =	\$1,730.97
				Acoustical ceilings at office area	
120	09 MO D0 00-0087	0087	SF	For Recessed Edge, Add	\$488.58
				Quantity Unit Price Factor Total	
			Installation	1,160.00 x \$0.35 x 1.2034 =	\$488.58
				For tegular edge profile.	
121	09 53 13 00-0002		LF	2" Straight Section Axiom Perimeter Trim	\$0.00
				Quantity Unit Price Factor Total	
			Installation	0.00 x \$11.80 x 1.2034 =	\$0.00
122	09 53 23 00-0003		SF	T Bar Ceilings Suspension System 2' x 2', Standard 15/16"	\$2,596.46
				Quantity Unit Price Factor Total	
			Installation	1,160.00 x \$1.86 x 1.2034 =	\$2,596.46
				Acoustical ceilings at office area	
123	09 53 23 00-0011		LF	1" x 3/16" Flat Bar Bracing For Suspended Ceiling	\$0.00
				Quantity Unit Price Factor Total	
			Installation	0.00 x \$10.06 x 1.2034 =	\$0.00
Subtotal for Category - 09-Acoustical Ceilings:					\$4,816.01
Category - 09-Chase Floor Paint					
124	09 91 23 00-0217		SF	Paint Interior Concrete Floors And Decks, Two Coats Paint, Brush Work	\$52.85
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$0.61 x 1.2034 =	\$52.85
				Restroom chase floor paint as per proposal review comments received on 1/26/16.	
125	09 MO D0 00-0293	0293	SF	For Up To 100, Add	\$32.06
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$0.37 x 1.2034 =	\$32.06
126	09 91 23 00-0218		SF	Paint Interior Concrete Floors And Decks, One Coat Primer, Brush/Roller Work	\$25.13
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$0.29 x 1.2034 =	\$25.13
				Restroom chase floor paint as per proposal review comments received on 1/26/16.	
127	09 MO D0 00-0293	0293	SF	For Up To 100, Add	\$13.86
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$0.16 x 1.2034 =	\$13.86
128	09 91 23 00-0225		SF	Paint Interior Concrete Floors And Decks, One Coat Bonding Agent, Brush/Roller Work	\$26.86
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$0.31 x 1.2034 =	\$26.86
				Restroom chase floor paint as per proposal review comments received on 1/26/16.	
129	09 MO D0 00-0293	0293	SF	For Up To 100, Add	\$14.73
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$0.17 x 1.2034 =	\$14.73
130	09 91 23 00-0227		SF	Paint Interior Concrete Floors And Decks, One Coat Non-Slip Paint, Brush Work	\$90.11
				Quantity Unit Price Factor Total	
			Installation	72.00 x \$1.04 x 1.2034 =	\$90.11
				Restroom chase floor paint as per proposal review comments received on 1/26/16.	

Record	Section - Item	Modifier	UOM	Description	Line Total
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Category - 09-Chase Floor Paint

131	09 MO D0 00-0293	0293	SF	For Up To 100, Add	\$26.86
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	Quantity		Unit Price		Factor		Total
Installation	72.00	x	\$0.31	x	1.2034	=	\$26.86

Subtotal for Category - 09-Chase Floor Paint:**\$282.46****Category - 09-Framing & Drywall**

132	07 21 13 13-0020		SF	1" Thick, R5.0, Extruded Polystyrene, Foam Board Insulation	\$2,116.78
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	Quantity		Unit Price		Factor		Total
Installation	1,759.00	x	\$1.00	x	1.2034	=	\$2,116.78

Extruded polystyrene insulation board at exterior block walls of office only.

133	09 22 13 00-0004		SF	1-1/2", 25 Gauge, Hat Channel, Drywall Furring Channel, Installed On Walls 16" On Center	\$2,220.42
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	Quantity		Unit Price		Factor		Total
Installation	961.00	x	\$1.92	x	1.2034	=	\$2,220.42

Hi-Hat at exterior office walls.

134	09 22 16 00-0010		SF	3-5/8" Metal Stud Channel, 16" On Center, 20 Gauge, With Tracks And Runners	\$4,205.58
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	Quantity		Unit Price		Factor		Total
Installation	1,997.00	x	\$1.75	x	1.2034	=	\$4,205.58

135	09 22 16 00-0029		LF	8" Backing Plate, 25 Gauge Galvanized Steel	\$25.27
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	Quantity		Unit Price		Factor		Total
Installation	20.00	x	\$1.05	x	1.2034	=	\$25.27

Backing for cabinetry

136	09 29 00 00-0006		SF	5/8" Gypsum Board	\$1,667.91
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	Quantity		Unit Price		Factor		Total
Installation	1,848.00	x	\$0.75	x	1.2034	=	\$1,667.91

5/8" drywall for offices for above high impact drywall.

137	09 29 00 00-0037		SF	0.03" Polycarbonate Backed, Fire Rated, 5/8" Hi-Impact Gypsum Board	\$3,516.44
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	Quantity		Unit Price		Factor		Total
Installation	1,137.00	x	\$2.57	x	1.2034	=	\$3,516.44

High impact 5/8" drywall for offices for the first 4'-0" above finished floor.

138	09 29 00 00-0050		SF	Tape, Spackle And Finish Gypsum Board Walls Up To 10' High	\$1,077.64
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	Quantity		Unit Price		Factor		Total
Installation	2,985.00	x	\$0.30	x	1.2034	=	\$1,077.64

Finish drywall

139	09 29 00 00-0056		LF	Tape, Spackle And Finish Gypsum Board Vertical Corners Up To 10' High	\$93.26
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	Quantity		Unit Price		Factor		Total
Installation	125.00	x	\$0.62	x	1.2034	=	\$93.26

Finish corners.

Subtotal for Category - 09-Framing & Drywall:**\$14,923.30****Category - 09-Paint-Doors**

140	09 91 13 00-0223		LF	Paint Metal Door Frame And Trim, 1 Coat Primer, Brush/Roller Work	\$41.94
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	Quantity		Unit Price		Factor		Total
Installation	85.00	x	\$0.41	x	1.2034	=	\$41.94

Paint 3- 3'0x7'0 ext. doors and 1 6'0x7'0- 5 total doors * 17LF

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 09-Paint-Doors					
141	09 91 13 00-0225	LF		Paint Metal Door Frame And Trim, 2 Coats Paint, Brush/Roller Work	\$91.04
			Quantity	Unit Price	Factor
		Installation	85.00 x	\$0.89 x	1.2034 =
					Total
				Paint 3- 3'0x7'0 ext. doors and 1 6'0x7'0- 5 total doors	\$91.04
142	09 91 13 00-0230	EA		Paint Exterior Door, Both Faces, 1 Coat Primer, Brush/Roller Work	\$207.53
			Quantity	Unit Price	Factor
		Installation	5.00 x	\$34.49 x	1.2034 =
					Total
					\$207.53
143	09 91 13 00-0232	EA		Paint Exterior Door, Both Faces, 2 Coats Paint, Brush/Roller Work	\$379.49
			Quantity	Unit Price	Factor
		Installation	5.00 x	\$63.07 x	1.2034 =
					Total
					\$379.49
				Paint 3- 3'0x7'0 ext. doors and 1 6'0x7'0- 5 total doors	
144	09 91 23 00-0246	LF		Paint Interior Metal Frame And Trim, 1 Coat Primer, Brush/Roller Work	\$67.10
			Quantity	Unit Price	Factor
		Installation	136.00 x	\$0.41 x	1.2034 =
					Total
					\$67.10
				Paint 8- 3'0x7'0 interior doors. * 17	
145	09 91 23 00-0248	LF		Paint Interior Metal Frame And Trim, 2 Coats Paint, Brush/Roller Work	\$145.66
			Quantity	Unit Price	Factor
		Installation	136.00 x	\$0.89 x	1.2034 =
					Total
					\$145.66
				Paint 8- 3'0x7'0 interior doors.	
146	09 91 23 00-0253	EA		Paint Interior Door, Both Faces, 1 Coat Primer, Brush/Roller Work	\$352.45
			Quantity	Unit Price	Factor
		Installation	8.00 x	\$36.61 x	1.2034 =
					Total
					\$352.45
147	09 91 23 00-0255	EA		Paint Interior Door, Both Faces, 2 Coats Paint, Brush/Roller Work	\$641.75
			Quantity	Unit Price	Factor
		Installation	8.00 x	\$66.66 x	1.2034 =
					Total
					\$641.75
				Paint 8- 3'0x7'0 interior doors.	
Subtotal for Category - 09-Paint-Doors:					\$1,926.96
Category - 09-Paint-Exterior					
148	09 91 13 00-0089	SF		Paint Exterior Stucco Surfaces One Coat Primer, Brush/Roller Work	\$1,734.82
			Quantity	Unit Price	Factor
		Installation	3,604.00 x	\$0.40 x	1.2034 =
					Total
					\$1,734.82
149	09 91 13 00-0094	SF		Paint Exterior Stucco Surfaces, Two Coats Paint, Sprayed	\$3,556.38
			Quantity	Unit Price	Factor
		Installation	3,604.00 x	\$0.82 x	1.2034 =
					Total
					\$3,556.38
150	09 91 13 00-0128	SF		Paint Exterior Concrete Ceiling, 1 Coat Filler, Brush Work	\$51.39
			Quantity	Unit Price	Factor
		Installation	122.00 x	\$0.35 x	1.2034 =
					Total
					\$51.39
				Paint underside of concrete overhangs.	
151	09 91 13 00-0130	SF		Paint Exterior Concrete Ceiling, 2 Coats Paint, Brush Work	\$96.90
			Quantity	Unit Price	Factor
		Installation	122.00 x	\$0.66 x	1.2034 =
					Total
					\$96.90
				Paint underside of concrete overhangs.	
Subtotal for Category - 09-Paint-Exterior:					\$5,439.49
Category - 09-Paint-Interior					

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 09-Paint-Interior					
152	09 91 23 00-0040		SF	Paint Interior Concrete Masonry Units, 1 Coat Filler, Brush Work	\$617.33
				Quantity Unit Price Factor Total	
			Installation	1,193.00 x \$0.43 x 1.2034 =	\$617.33
				Paint interior CMU walls	
153	09 91 23 00-0042		SF	Paint Interior Concrete Masonry Units, 2 Coats Paint, Brush Work	\$1,349.52
				Quantity Unit Price Factor Total	
			Installation	1,193.00 x \$0.94 x 1.2034 =	\$1,349.52
				paint interior CMU walls	
154	09 91 23 00-0058		SF	Paint Interior Plaster/Drywall, 1 Coat Primer, Brush	\$1,120.79
				Quantity Unit Price Factor Total	
			Installation	2,661.00 x \$0.35 x 1.2034 =	\$1,120.79
				Paint Interior drywall.	
155	09 91 23 00-0064		SF	Paint Interior Plaster/Drywall, 2 Coats Paint, Brush/Roller Work	\$1,793.26
				Quantity Unit Price Factor Total	
			Installation	2,661.00 x \$0.56 x 1.2034 =	\$1,793.26
				Paint Interior drywall.	
156	09 91 23 00-0142		SF	Paint Interior Concrete Ceiling, 1 Coat Filler, Brush Work	\$436.71
				Quantity Unit Price Factor Total	
			Installation	955.00 x \$0.38 x 1.2034 =	\$436.71
				Pain interior concrete ceilings. Mens and women's rooms, supplies, custodial and storage rooms 1 and 2.	
157	09 91 23 00-0147		SF	Paint Interior Concrete Ceiling, 2 Coats Paint, Brush/Roller Work	\$678.06
				Quantity Unit Price Factor Total	
			Installation	955.00 x \$0.59 x 1.2034 =	\$678.06
Subtotal for Category - 09-Paint-Interior:					\$5,995.67
Category - 09-RR Floor Tile					
158	09 30 13 00-0002		SF	8" x 8" And Larger Unmounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$6,016.76
				Quantity Unit Price Factor Total	
			Installation	780.00 x \$6.41 x 1.2034 =	\$6,016.76
				Replace epoxy flooring with contemporary tile per proposal review received on 1/26/16.	
159	09 MO D0 00-0060 0060		SF	For > 1000, Deduct	-\$187.73
				Quantity Unit Price Factor Total	
			Installation	780.00 x \$-0.20 x 1.2034 =	-\$187.73
160	09 MO D0 00-0061 0061		SF	For Epoxy Grout, Add	\$563.19
				Quantity Unit Price Factor Total	
			Installation	780.00 x \$0.60 x 1.2034 =	\$563.19
161	09 31 00 00-0001		SF	Thin-Set - Latex Portland Cement Mortar	\$553.80
				Quantity Unit Price Factor Total	
			Installation	780.00 x \$0.59 x 1.2034 =	\$553.80
				Replace epoxy flooring with contemporary tile per proposal review received on 1/26/16.	
Subtotal for Category - 09-RR Floor Tile:					\$6,946.02
Category - 09-RR Wall Tile					

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 09-RR Wall Tile					
162	09 22 13 00-0014		SF	1-1/2", 25 Gauge, Z Furring Channel, Installed On Walls 16" On Center	\$2,895.19
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$1.36 x 1.2034 =	\$2,895.19
				Furring at bathroom walls	
163	09 28 13 00-0003		SF	1/2" Cementitious Backer Units For Installation On Floors	\$4,236.34
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$1.99 x 1.2034 =	\$4,236.34
				Durock/cement board over 1-1/2" Z furring on masonry block in public bathrooms prior.	
164	09 MO D0 00-0053	0053	SF	For > 1000, Deduct	-\$234.17
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$-0.11 x 1.2034 =	-\$234.17
165	09 MO D0 00-0056	0056	SF	For Installation On Wall, Add	\$489.63
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$0.23 x 1.2034 =	\$489.63
166	09 30 13 00-0004		SF	Less than 8" x 8" Mounted Wall TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles. Tiles mounted from back, side or front in 12" x 12", 12" x 24", or similar sized sheets.	\$13,517.97
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$6.35 x 1.2034 =	\$13,517.97
				Replace epoxy wall system with contemporary tile per proposal review received on 01/26/2016.	
167	09 MO D0 00-0065	0065	SF	For > 1000, Deduct	-\$425.76
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$-0.20 x 1.2034 =	-\$425.76
168	09 30 13 00-0009		LF	Glazed Porcelain, Unglazed Porcelain And Glazed Ceramic Cove Base Or Trim	\$3,460.98
				Quantity Unit Price Factor Total	
			Installation	400.00 x \$7.19 x 1.2034 =	\$3,460.98
				Cove base & bullnose tile at perimeter of restrooms.	
169	09 31 00 00-0001		SF	Thin-Set - Latex Portland Cement Mortar	\$1,256.00
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$0.59 x 1.2034 =	\$1,256.00
				Replace epoxy wall system with contemporary tile per proposal review received on 01/26/2016.	
170	09 MO D0 00-0053	0053	SF	For > 1000, Deduct	-\$85.15
				Quantity Unit Price Factor Total	
			Installation	1,769.00 x \$-0.04 x 1.2034 =	-\$85.15

Subtotal for Category - 09-RR Wall Tile: \$25,111.03

Category - 09-Stucco

171	09 23 13 00-0012		LF	3/4" Galvanized Expansion JointFor plastering applications.	\$1,041.06
				Quantity Unit Price Factor Total	
			Installation	422.00 x \$2.05 x 1.2034 =	\$1,041.06
				2" Stucco reveals	
172	09 24 23 00-0002		SF	Three Coat Troweled Stucco, Scratch/Brown/FinishExcludes lath and felt. Interior or exterior, one side.	\$12,317.23
				Quantity Unit Price Factor Total	
			Installation	3,604.00 x \$2.84 x 1.2034 =	\$12,317.23

Record	Section - Item	Modifier	UOM	Description	Line Total		
Category - 09-Stucco							
173	09 MO D0 00-0020	0020	SF	For Walls > 10' High, Add	\$238.03		
				Quantity	Unit Price	Factor	Total
			Installation	860.00 x	\$0.23 x	1.2034 =	\$238.03
174	09 MO D0 00-0034	0034	SF	For > 5000, Deduct	-\$1,995.04		
				Quantity	Unit Price	Factor	Total
			Installation	3,604.00 x	\$-0.46 x	1.2034 =	\$-1,995.04
175	09 24 23 00-0005		SF	Finish Coat Troweled StuccoExcludes lath and felt. Interior or exterior, one side.	\$1,777.04		
				Quantity	Unit Price	Factor	Total
			Installation	1,273.00 x	\$1.16 x	1.2034 =	\$1,777.04
				Provide skim coat at underside of exterior overhangs and eyebrows and interior bathrooms.			
176	09 MO D0 00-0022	0022	SF	For Horizontal Installation > 10' High, Add	\$505.54		
				Quantity	Unit Price	Factor	Total
			Installation	1,273.00 x	\$0.33 x	1.2034 =	\$505.54

Subtotal for Category - 09-Stucco: **\$13,883.86**

Category - 09-Tile									
177	09 30 13 00-0002	SF	8" x 8" And Larger Unmounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.					\$424.26	
			Quantity		Unit Price		Factor	Total	
		Installation	55.00	x	\$6.41	x	1.2034 =	\$424.26	
		Office bathroom flooring.							
178	09 30 13 00-0004	SF	Less than 8" x 8" Mounted Wall TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles. Tiles mounted from back, side or front in 12" x 12", 12" x 24", or similar sized sheets.					\$1,375.49	
			Quantity		Unit Price		Factor	Total	
		Installation	180.00	x	\$6.35	x	1.2034 =	\$1,375.49	
		Office bathroom wall tile.							
179	09 30 13 00-0009	LF	Glazed Porcelain, Unglazed Porcelain And Glazed Ceramic Cove Base Or Trim					\$398.01	
			Quantity		Unit Price		Factor	Total	
		Installation	46.00	x	\$7.19	x	1.2034 =	\$398.01	
		Bullnose and cover base tile in office bathroom.							
180	09 31 00 00-0001	SF	Thin-Set - Latex Portland Cement Mortar					\$166.85	
			Quantity		Unit Price		Factor	Total	
		Installation	235.00	x	\$0.59	x	1.2034 =	\$166.85	
181	09 65 19 00-0009	SF	Solid Colors, Resilient Tile Floor Solid Vinyl Tile 1/8" Thick					\$3,754.61	
			Quantity		Unit Price		Factor	Total	
		Installation	750.00	x	\$4.16	x	1.2034 =	\$3,754.61	
		Resilient tile for offices and work area.							

Subtotal for Category - 09-Tile: **\$6,119.22**

Category - 09-Wall Base									
182	09 65 13 13-0002	LF	4" High 1/8" Vinyl Plastic Base, All Colors						\$465.72
				Quantity		Unit Price		Factor	Total
		Installation		225.00	x	\$1.72	x	1.2034	= \$465.72
		Per wall section 1, sheet A-5.1, install VCT wall base for offices.							

Subtotal for Category - 09-Wall Base: **\$465.72**

Category - 10-Bathroom Accessories					
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Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 10-Bathroom Accessories					
183	10 28 13 13-0036	EA		Single Jumbo Roll, Surface Mounted, Stainless Steel Toilet Tissue Dispenser (Bobrick B-2890)	\$614.96
			Quantity	Unit Price	Total
	Installation		9.00 x	\$56.78 x	\$614.96
184	10 28 13 13-0055	EA		40 Fluid Ounce, Surface Mounted, Stainless Steel Soap Dispenser (Bobrick Contura B-4112)	\$563.30
			Quantity	Unit Price	Total
	Installation		7.00 x	\$66.87 x	\$563.30
185	10 28 13 13-0066	EA		Surface Mounted, Stainless Steel Sanitary Seat-Cover Dispenser (Bobrick Contura B-4221)	\$961.76
			Quantity	Unit Price	Total
	Installation		9.00 x	\$88.80 x	\$961.76
186	10 28 13 13-0070	EA		Surface Mounted, Stainless Steel Sanitary Napkin/Tampon Vendor (Bobrick TrimLine B-2800)	\$3,241.60
			Quantity	Unit Price	Total
	Installation		6.00 x	\$448.95 x	\$3,241.60
187	10 28 13 13-0095	EA		12 Gallon, Recessed Mounted, Stainless Steel Combination Folded Paper Towel Dispenser/ Waste Receptacle (Bobrick Classic B-3900)	\$2,439.05
			Quantity	Unit Price	Total
	Installation		5.00 x	\$405.36 x	\$2,439.05
188	10 28 13 13-0124	EA		36" Length, 1-1/2" Diameter, Stainless Steel Grab Bar (Bobrick B-6806x36)	\$225.35
			Quantity	Unit Price	Total
	Installation		3.00 x	\$62.42 x	\$225.35
189	10 28 13 13-0125	EA		42" Length, 1-1/2" Diameter, Stainless Steel Grab Bar (Bobrick B-6806x42)	\$231.70
			Quantity	Unit Price	Total
	Installation		3.00 x	\$64.18 x	\$231.70
190	10 28 13 13-0154	EA		Horizontal, Wall-Mounted, Polyethylene Baby Changing Station (Bobrick Koala Care KB100-00)	\$1,168.04
			Quantity	Unit Price	Total
	Installation		3.00 x	\$323.54 x	\$1,168.04
191	10 28 13 13-0243	EA		18" x 36", Surface Mounted, Stainless Steel Channel Frame Glass Mirror (Bobrick B-165 1836)	\$669.86
			Quantity	Unit Price	Total
	Installation		7.00 x	\$79.52 x	\$669.86
Subtotal for Category - 10-Bathroom Accessories:					\$10,115.62
Category - 10-Bathroom Partitions					
192	10 21 13 13-0098	EA		60" x 78", Overhead Braced, Stainless Steel, One Compartment Corner Unit, Complete ADA Compliant Toilet Partition	\$4,181.04
			Quantity	Unit Price	Total
	Installation		2.00 x	\$1,737.18 x	\$4,181.04
	(1) ADA unit per bathroom.				
193	10 21 13 19-0024	EA		24" x 55" x 1", Wall Hung And Overhead Braced, Recycled Solid Plastic (HDPE), Urinal Screen	\$724.33
			Quantity	Unit Price	Total
	Installation		2.00 x	\$300.95 x	\$724.33
	(2) men's separating (3) urinals.				

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 10-Bathroom Partitions					
194	10 21 13 19-0029	EA		24" x 55" x 1", Recycled Solid Plastic (HDPE), Toilet Partition Door	\$1,878.24
			Quantity	Unit Price	Factor
		Installation	6.00 x	\$260.13 x	1.2034 =
					Total
				(2) men (4) women	\$1,878.24
195	10 21 13 19-0035	EA		6" x 55" x 1", Recycled Solid Plastic (HDPE), Toilet Partition Panel	\$1,113.24
			Quantity	Unit Price	Factor
		Installation	12.00 x	\$77.09 x	1.2034 =
					Total
				(12) 4"-12" partition panel fillers.	\$1,113.24
196	10 21 13 19-0045	EA		60" x 55" x 1", Recycled Solid Plastic (HDPE), Toilet Partition Panel	\$2,611.08
			Quantity	Unit Price	Factor
		Installation	5.00 x	\$433.95 x	1.2034 =
					Total
				(2) men's (3) women's 5' toilet separation panel.	\$2,611.08
Subtotal for Category - 10-Bathroom Partitions:					\$10,507.93
Category - 22-Plumbing					
197	22 05 76 00-0013	EA		6" Heavy Duty Floor Cleanout, Round Top, Cast Iron With Cast Bronze Screw Plug And Nickel Bronze Cover	\$1,720.57
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$714.88 x	1.2034 =
					Total
					\$1,720.57
198	22 11 16 00-0184	LF		1/2" Inside Diameter Copper Pipe/Tubing Type L	\$104.40
			Quantity	Unit Price	Factor
		Installation	25.00 x	\$3.47 x	1.2034 =
					Total
					\$104.39
199	22 11 16 00-0185	LF		3/4" Inside Diameter Copper Pipe/Tubing Type L	\$430.77
			Quantity	Unit Price	Factor
		Installation	76.00 x	\$4.71 x	1.2034 =
					Total
					\$430.77
200	22 11 16 00-0186	LF		1" Inside Diameter Copper Pipe/Tubing Type L	\$312.81
			Quantity	Unit Price	Factor
		Installation	41.00 x	\$6.34 x	1.2034 =
					Total
					\$312.81
201	22 11 16 00-0188	LF		1-1/2" Inside Diameter Copper Pipe/Tubing Type L	\$159.11
			Quantity	Unit Price	Factor
		Installation	11.00 x	\$12.02 x	1.2034 =
					Total
					\$159.11
202	22 11 16 00-0189	LF		2" Inside Diameter Copper Pipe/Tubing Type L	\$1,706.35
			Quantity	Unit Price	Factor
		Installation	62.00 x	\$22.87 x	1.2034 =
					Total
					\$1,706.35
203	22 11 16 00-0208	EA		1/2" 90 Degree Elbow, Copper	\$184.84
			Quantity	Unit Price	Factor
		Installation	12.00 x	\$12.80 x	1.2034 =
					Total
					\$184.84
204	22 11 16 00-0209	EA		3/4" 90 Degree Elbow, Copper	\$142.11
			Quantity	Unit Price	Factor
		Installation	7.00 x	\$16.87 x	1.2034 =
					Total
					\$142.11
205	22 11 16 00-0210	EA		1" 90 Degree Elbow, Copper	\$222.58
			Quantity	Unit Price	Factor
		Installation	8.00 x	\$23.12 x	1.2034 =
					Total
					\$222.58
206	22 11 16 00-0211	EA		1-1/4" 90 Degree Elbow, Copper	\$33.08
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$27.49 x	1.2034 =
					Total
					\$33.08

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
207	22 11 16 00-0213	EA		2" 90 Degree Elbow, Copper	\$171.95
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$47.63 x	1.2034 =
					Total
					\$171.95
208	22 11 16 00-0243	EA		3/4" Copper Tee - Straight Sweat	\$126.79
			Quantity	Unit Price	Factor
		Installation	4.00 x	\$26.34 x	1.2034 =
					Total
					\$126.79
209	22 11 16 00-0247	EA		2" Copper Tee - Straight Sweat	\$94.02
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$78.13 x	1.2034 =
					Total
					\$94.02
210	22 11 16 00-0258	EA		3/4" Copper Tee Reducing Sweat	\$149.10
			Quantity	Unit Price	Factor
		Installation	5.00 x	\$24.78 x	1.2034 =
					Total
					\$149.10
211	22 11 16 00-0261	EA		1-1/2" Copper Tee Reducing Sweat	\$120.82
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$50.20 x	1.2034 =
					Total
					\$120.82
212	22 11 16 00-0262	EA		2" Copper Tee Reducing Sweat	\$791.12
			Quantity	Unit Price	Factor
		Installation	10.00 x	\$65.74 x	1.2034 =
					Total
					\$791.12
					(3) 2" x 3/4" & (6) 2" x 1" & (1) 2" x 1 1/2"
213	22 11 16 00-0268	EA		1/2" Straight Copper Coupling	\$15.31
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$12.72 x	1.2034 =
					Total
					\$15.31
214	22 11 16 00-0269	EA		3/4" Straight Copper Coupling	\$19.40
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$16.12 x	1.2034 =
					Total
					\$19.40
215	22 11 16 00-0270	EA		1" Straight Copper Coupling	\$24.80
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$20.61 x	1.2034 =
					Total
					\$24.80
216	22 11 16 00-0273	EA		2" Straight Copper Coupling	\$85.22
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$35.41 x	1.2034 =
					Total
					\$85.22
217	22 11 16 00-0283	EA		3/4" Reducing Copper Coupling	\$38.48
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$15.99 x	1.2034 =
					Total
					\$38.48
218	22 11 16 00-0286	EA		1-1/2" Reducing Copper Coupling	\$36.25
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$30.12 x	1.2034 =
					Total
					\$36.25
219	22 11 16 00-0287	EA		2" Reducing Copper Coupling	\$49.75
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$41.34 x	1.2034 =
					Total
					\$49.75
220	22 11 16 00-0298	EA		3/4" Copper Adapter, Male	\$40.36
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$16.77 x	1.2034 =
					Total
					\$40.36

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
221	22 11 16 00-0326		EA	1/2" Cap, Copper, Sweat	\$10.88
				Quantity	Unit Price
			Installation	4.00 x \$2.26 x	Factor 1.2034 = Total \$10.88
222	22 11 19 00-0035		EA	1/2" Trap Primer, Flow Through Type With Sediment Strainer	\$270.52
				Quantity	Unit Price
			Installation	5.00 x \$44.96 x	Factor 1.2034 = Total \$270.52
223	22 11 19 00-0065		EA	3/4" Bellows Type (NPTF) Shock Absorber, For 11 Fixture Units	\$54.48
				Quantity	Unit Price
			Installation	1.00 x \$45.27 x	Factor 1.2034 = Total \$54.48
				Hammer Arrestor - Type A as per Sheet P-1.0	
224	22 11 19 00-0068		EA	1" Bellows Type (NPTF) Shock Absorber, For 113 Fixture Units	\$547.37
				Quantity	Unit Price
			Installation	1.00 x \$454.85 x	Factor 1.2034 = Total \$547.37
				Hammer Arrestor - Type D as per Sheet P-1.0	
225	22 11 19 00-0161		EA	Wall Hydrant, 6" Thick Wall, 3/4" NPTM Outlet And 1/2" NPTF Inlet	\$2,477.25
				Quantity	Unit Price
			Installation	3.00 x \$686.18 x	Factor 1.2034 = Total \$2,477.25
226	22 MO D0 00-0158	0158	EA	For 3/4" Nozzle Type Vacuum Breaker, Add	\$59.78
				Quantity	Unit Price
			Installation	3.00 x \$16.56 x	Factor 1.2034 = Total \$59.78
227	22 11 19 00-0346		EA	2" Threaded Reduced Pressure Zone Assembly With Quarter Turn Shut-offs And Strainer (Watts 909M1QT-S)	\$1,886.58
				Quantity	Unit Price
			Installation	1.00 x \$1,567.71 x	Factor 1.2034 = Total \$1,886.58
228	22 11 19 00-0498		EA	3/4" Hose Valve With Screwed Ends; Chicago Faucets #387-CP	\$264.27
				Quantity	Unit Price
			Installation	3.00 x \$73.20 x	Factor 1.2034 = Total \$264.27
229	22 13 13 00-0042		EA	Rough-in Water Closet, Floor Mounted, Single FixtureIncludes PVC waste and vent pipe and copper domestic supply. Excludes fixture and flush valve.	\$267.60
				Quantity	Unit Price
			Installation	1.00 x \$222.37 x	Factor 1.2034 = Total \$267.60
				For single office restroom.	
230	22 13 13 00-0043		EA	Rough-in Water Closet, Wall Mounted, Single FixtureIncludes PVC waste and vent pipe and copper domestic supply. Excludes fixture, carrier and flush valve.	\$2,611.47
				Quantity	Unit Price
			Installation	8.00 x \$271.26 x	Factor 1.2034 = Total \$2,611.47
				(6) Standard & (2) ADA	
231	22 13 13 00-0045		EA	Rough-in Urinal, Wall Mounted, Single FixtureIncludes PVC waste and vent pipe and copper domestic supply. Excludes fixture, carrier and flush valve.	\$386.98
				Quantity	Unit Price
			Installation	3.00 x \$107.19 x	Factor 1.2034 = Total \$386.98
232	22 13 13 00-0046		EA	Rough-in Lavatory, Wall Mounted, Single FixtureIncludes PVC waste and vent pipe and copper domestic supply. Excludes fixture, carrier and faucet.	\$1,280.33
				Quantity	Unit Price
			Installation	7.00 x \$151.99 x	Factor 1.2034 = Total \$1,280.33
				(4) L-1 & (3) L-2 for ADA stalls and office restroom.	

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
233	22 13 13 00-0047	EA		Rough-in Kitchen Sink, (Countertop), Single FixtureIncludes PVC waste and vent pipe and copper domestic supply. Excludes fixture and faucet.	\$240.40
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$199.77 x	1.2034 =
					Total \$240.40
234	22 13 13 00-0050	EA		Rough-in Service Sink, Floor Mounted, Single FixtureIncludes PVC waste and vent pipe and copper domestic supply. Excludes fixture and faucet.	\$248.56
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$206.55 x	1.2034 =
					Total \$248.56
235	22 13 16 00-0995	LF		2" Schedule 40 ABS-PVC DWV Pipe	\$538.06
			Quantity	Unit Price	Factor
		Installation	138.00 x	\$3.24 x	1.2034 =
					Total \$538.06
				33' - Below ground	
				105' - Sanitary above ground	
236	22 13 16 00-0996	LF		3" Schedule 40 ABS-PVC DWV Pipe	\$352.57
			Quantity	Unit Price	Factor
		Installation	57.00 x	\$5.14 x	1.2034 =
					Total \$352.57
				27' - Below ground	
				30' - Sanitary above ground	
237	22 13 16 00-0997	LF		4" Schedule 40 ABS-PVC DWV Pipe	\$735.40
			Quantity	Unit Price	Factor
		Installation	105.00 x	\$5.82 x	1.2034 =
					Total \$735.40
				105' - Below ground	
238	22 13 16 00-1004	EA		2" Schedule 40 ABS-PVC DWV 1/4 Bends	\$178.81
			Quantity	Unit Price	Factor
		Installation	13.00 x	\$11.43 x	1.2034 =
					Total \$178.81
				2 - Below ground	
				11 - Sanitary above ground	
239	22 13 16 00-1005	EA		3" Schedule 40 ABS-PVC DWV 1/4 Bends	\$122.24
			Quantity	Unit Price	Factor
		Installation	6.00 x	\$16.93 x	1.2034 =
					Total \$122.24
				4 - Below ground	
				2 - Sanitary above ground	
240	22 13 16 00-1012	EA		2" Schedule 40 ABS-PVC DWV 1/8 Bends	\$27.46
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$11.41 x	1.2034 =
					Total \$27.46
				2 - Below ground	
241	22 13 16 00-1014	EA		4" Schedule 40 ABS-PVC DWV 1/8 Bends	\$163.93
			Quantity	Unit Price	Factor
		Installation	7.00 x	\$19.46 x	1.2034 =
					Total \$163.93
				7 - Below ground	
242	22 13 16 00-1020	EA		2" Schedule 40 ABS-PVC DWV Sanitary Tees	\$128.02
			Quantity	Unit Price	Factor
		Installation	6.00 x	\$17.73 x	1.2034 =
					Total \$128.02
				6 - Sanitary above ground	
243	22 13 16 00-1021	EA		3" Schedule 40 ABS-PVC DWV Sanitary Tees	\$31.02
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$25.78 x	1.2034 =
					Total \$31.02
				1 - Sanitary above ground	

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
244	22 13 16 00-1028	EA		2" x 2" x 1-1/2" Schedule 40 ABS-PVC DWV Reducing Sanitary Tees	\$85.35
			Quantity	Unit Price	Factor
			Installation 4.00 x	\$17.73 x	1.2034 =
					Total \$85.35
				4 - Sanitary above ground	
245	22 13 16 00-1029	EA		3" x 3" x 1-1/2" Schedule 40 ABS-PVC DWV Reducing Sanitary Tees	\$89.14
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$24.69 x	1.2034 =
					Total \$89.14
				3 - Sanitary above ground	
246	22 13 16 00-1030	EA		3" x 3" x 2" Schedule 40 ABS-PVC DWV Reducing Sanitary Tees	\$88.52
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$24.52 x	1.2034 =
					Total \$88.52
				3 - Sanitary above ground	
247	22 13 16 00-1040	EA		4" x 3" Schedule 40 ABS-PVC DWV Reducers	\$81.05
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$22.45 x	1.2034 =
					Total \$81.05
				3 - Below ground	
248	22 13 16 00-1047	EA		3" Schedule 40 ABS-PVC DWV P-Traps	\$204.10
			Quantity	Unit Price	Factor
			Installation 5.00 x	\$33.92 x	1.2034 =
					Total \$204.10
				5 - Below ground	
249	22 13 16 00-1070	EA		4" Schedule 40 ABS-PVC DWV Wyes	\$263.91
			Quantity	Unit Price	Factor
			Installation 6.00 x	\$36.55 x	1.2034 =
					Total \$263.91
				6 - Below ground	
250	22 13 16 00-1079	EA		4" x 4" x 3" Schedule 40 ABS-PVC DWV Reducing Wyes	\$86.40
			Quantity	Unit Price	Factor
			Installation 2.00 x	\$35.90 x	1.2034 =
					Total \$86.40
				2 - Below ground	
251	22 13 16 00-1082	EA		2" Schedule 40 ABS-PVC DWV Double Wyes	\$66.93
			Quantity	Unit Price	Factor
			Installation 2.00 x	\$27.81 x	1.2034 =
					Total \$66.93
				2 - Below ground	
252	22 13 16 00-1084	EA		4" Schedule 40 ABS-PVC DWV Double Wyes	\$167.25
			Quantity	Unit Price	Factor
			Installation 2.00 x	\$69.49 x	1.2034 =
					Total \$167.25
				2 - Below ground	
253	22 13 16 00-1087	EA		4" x 4" x 3" x 3" Schedule 40 ABS-PVC DWV Double Wyes	\$74.85
			Quantity	Unit Price	Factor
			Installation 1.00 x	\$62.20 x	1.2034 =
					Total \$74.85
				1 - Below ground	
254	22 13 16 00-1095	EA		3" x 3" x 2" Schedule 40 ABS-PVC DWV Combination Wye And 1/8 Bends	\$38.51
			Quantity	Unit Price	Factor
			Installation 1.00 x	\$32.00 x	1.2034 =
					Total \$38.51
				1 - Below ground	

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
255	22 13 16 00-1096	EA		4" x 4" x 2" Schedule 40 ABS-PVC DWV Combination Wye And 1/8 Bends	\$121.23
			Quantity	Unit Price	Factor
			Installation 2.00 x	\$50.37 x	1.2034 =
					Total \$121.23
				2 - Below ground	
256	22 13 16 00-1097	EA		4" x 4" x 3" Schedule 40 ABS-PVC DWV Combination Wye And 1/8 Bends	\$189.10
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$52.38 x	1.2034 =
					Total \$189.10
				3 - Below ground	
257	22 13 16 00-1105	EA		4" Schedule 40 ABS-PVC DWV Clean Out Tees With Plug	\$1,158.51
			Quantity	Unit Price	Factor
			Installation 10.00 x	\$96.27 x	1.2034 =
					Total \$1,158.51
				10 - Sanitary above ground	
258	22 13 16 00-1123	EA		2" Schedule 40 ABS-PVC Couplings	\$49.15
			Quantity	Unit Price	Factor
			Installation 4.00 x	\$10.21 x	1.2034 =
					Total \$49.15
				4 - Sanitary above ground	
259	22 13 16 00-1124	EA		3" Schedule 40 ABS-PVC Couplings	\$17.49
			Quantity	Unit Price	Factor
			Installation 1.00 x	\$14.53 x	1.2034 =
					Total \$17.49
				1 - Sanitary above ground	
260	22 13 16 00-1125	EA		4" Schedule 40 ABS-PVC Couplings	\$63.94
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$17.71 x	1.2034 =
					Total \$63.94
				3 - Below ground	
261	22 13 19 13-0004	EA		6" Round Top Floor Drain With 3" Outlet, Bronze Top	\$1,298.17
			Quantity	Unit Price	Factor
			Installation 5.00 x	\$215.75 x	1.2034 =
					Total \$1,298.17
262	22 33 13 13-0002	EA		3 To 10 KW Flow Controlled, Instantaneous, Tankless, Electric Domestic Water Heater (Eemax EX3012, EX48, EX65, EX75, EX95)	\$273.67
			Quantity	Unit Price	Factor
			Installation 1.00 x	\$227.41 x	1.2034 =
					Total \$273.67
263	22 42 13 00-0009	EA		Flush Valve Type, Siphon Jet Water Closet, Wall Hung, Elongated, (American Standard 2257.103)	\$2,832.51
			Quantity	Unit Price	Factor
			Installation 8.00 x	\$294.22 x	1.2034 =
					Total \$2,832.51
				(6) WC-1 & (2) WC-1A	
264	22 42 13 00-0014	EA		Flush Valve Type, Siphon Jet Handicap Accessible Water Closet, Floor Mounted, Floor Outlet, Elongated (American Standard 3043.102)	\$342.20
			Quantity	Unit Price	Factor
			Installation 1.00 x	\$284.36 x	1.2034 =
					Total \$342.20
				WC-2	
265	22 42 13 00-0023	EA		Exposed Manual Water Closet Flush Valve (Sloan Regal-110 Or 111)	\$1,800.91
			Quantity	Unit Price	Factor
			Installation 9.00 x	\$166.28 x	1.2034 =
					Total \$1,800.91
266	22 42 13 00-0044	EA		Siphon Jet, Wall Hung Vitreous China Urinal (American Standard 6561.017.020)	\$1,268.80
			Quantity	Unit Price	Factor
			Installation 3.00 x	\$351.45 x	1.2034 =
					Total \$1,268.80

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
267	22 42 13 00-0055	EA		Exposed Manual Urinal Flush Valve, 3/4" Top Spud (Sloan Regal 186-1.0)	\$425.97
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$117.99 x	1.2034 =
					Total \$425.97
268	22 42 13 00-0092	EA		Single Closet Carrier, Cast Iron, Hub And Spigot, Vertical Fitting With Extension And Chrome Plated Trim	\$1,106.67
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$459.81 x	1.2034 =
					Total \$1,106.67
269	22 42 13 00-0093	EA		Double Closet Carrier, Cast Iron, Hub And Spigot, Vertical Fitting With Extension And Chrome Plated Trim	\$2,797.40
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$774.86 x	1.2034 =
					Total \$2,797.40
270	22 42 16 00-0010	EA		20" x 18" Vitreous China Wall Hung Lavatory (American Standard 0355.012)	\$2,002.76
			Quantity	Unit Price	Factor
		Installation	7.00 x	\$237.75 x	1.2034 =
					Total \$2,002.76
271	22 42 16 00-0071	EA		25" x 22" x 10" Stainless Steel Kitchen Sink, Single Bowl, 18 Gauge (Elkay DLR252210)	\$1,131.61
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$940.34 x	1.2034 =
					Total \$1,131.61
				Kitchen Sink	
272	22 42 16 00-0099	EA		28" x 28" Enameled Cast Iron Floor Type Corner Service Sink With Removable Vinyl Coated Rim Guard (American Standard "Florwell" 7741.000)	\$1,010.07
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$839.35 x	1.2034 =
					Total \$1,010.07
				Mop Sink	
273	22 42 16 00-0105	EA		36" Bumper Guard (Flat E-77AA-36)	\$29.94
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$24.88 x	1.2034 =
					Total \$29.94
				Bumper for mop sink	
274	22 42 16 00-0113	EA		Single Lavatory Carrier, Floor Mounted, Concealed Arms With Tubular Uprights And Block Bases	\$2,702.94
			Quantity	Unit Price	Factor
		Installation	7.00 x	\$320.87 x	1.2034 =
					Total \$2,702.94
				(1) Required for each lavatory.	
275	22 42 16 00-0116	EA		Single Sink Carrier, Floor Mounted With Hanger Plate	\$1,371.08
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$379.78 x	1.2034 =
					Total \$1,371.08
				(1) Required for each urinal.	
276	22 42 39 00-0008	EA		Top Cast Kitchen Faucet, Two Handle, Chrome Finish, Center Gooseneck Faucet, Lever Handles, Delta 2176-LHP+H24	\$164.28
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$136.51 x	1.2034 =
					Total \$164.28
277	22 42 39 00-0020	EA		4" Centerset Lavatory Faucet With Chrome Lever Handle, Delta 501-WF	\$724.03
			Quantity	Unit Price	Factor
		Installation	7.00 x	\$85.95 x	1.2034 =
					Total \$724.03
278	22 42 39 00-0093	EA		Lavatory Drainline Guard And Shutoff Covers	\$520.83
			Quantity	Unit Price	Factor
		Installation	8.00 x	\$54.10 x	1.2034 =
					Total \$520.83
				(4) L-1; (3) L-2; (1) KS-1	

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
279	23 05 23 00-0095	EA		3/4" Ball Valve, Brass Body, Threaded Or Sweated, 125#, Regular Port	\$56.99
			Quantity	Unit Price	Factor
			2.00	\$23.68	1.2034
			x	x	=
					Total
					\$56.99
280	23 05 23 00-0098	EA		1-1/2" Ball Valve, Brass Body, Threaded Or Sweated, 125#, Regular Port	\$184.66
			Quantity	Unit Price	Factor
			3.00	\$51.15	1.2034
			x	x	=
					Total
					\$184.66
281	23 05 23 00-0099	EA		2" Ball Valve, Brass Body, Threaded Or Sweated, 125#, Regular Port	\$149.58
			Quantity	Unit Price	Factor
			2.00	\$62.15	1.2034
			x	x	=
					Total
					\$149.58
282	23 05 29 00-0634	EA		1" Hanger Assembly For PipeIncludes hanger, rod, saddle and clamp.	\$199.82
			Quantity	Unit Price	Factor
			3.00	\$55.35	1.2034
			x	x	=
					Total
					\$199.82
					For condensate piping
283	23 05 29 00-0635	EA		2" Hanger Assembly For PipeIncludes hanger, rod, saddle and clamp.	\$1,553.43
			Quantity	Unit Price	Factor
			21.00	\$61.47	1.2034
			x	x	=
					Total
					\$1,553.43
					(21) For sanitary above ground
284	23 05 29 00-0636	EA		3" Hanger Assembly For PipeIncludes hanger, rod, saddle and clamp.	\$2,635.78
			Quantity	Unit Price	Factor
			34.00	\$64.42	1.2034
			x	x	=
					Total
					\$2,635.78
					(6) For sanitary above ground
					(5) For 2-1/2" cold water
					(23) For 3" cold water
285	23 05 29 00-0637	EA		4" Hanger Assembly For PipeIncludes hanger, rod, saddle and clamp.	\$779.59
			Quantity	Unit Price	Factor
			9.00	\$71.98	1.2034
			x	x	=
					Total
					\$779.59
					(2) 3-1/2" cold water
					(7) 4" cold water
286	23 21 13 23-1926	LF		3/4" Schedule 40 PVC Pressure Pipe	\$38.70
			Quantity	Unit Price	Factor
			16.00	\$2.01	1.2034
			x	x	=
					Total
					\$38.70
					For condensate piping
287	23 21 13 23-1930	LF		2" Schedule 40 PVC Pressure Pipe	\$76.78
			Quantity	Unit Price	Factor
			20.00	\$3.19	1.2034
			x	x	=
					Total
					\$76.78
					For cold water
288	23 21 13 23-1939	EA		3/4" Schedule 40 PVC 90 Degree Elbows	\$69.51
			Quantity	Unit Price	Factor
			8.00	\$7.22	1.2034
			x	x	=
					Total
					\$69.51
					For condensate piping
289	23 21 13 23-1943	EA		2" Schedule 40 PVC 90 Degree Elbows	\$89.82
			Quantity	Unit Price	Factor
			4.00	\$18.66	1.2034
			x	x	=
					Total
					\$89.82
					For cold water

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 22-Plumbing					
290	23 21 13 23-1965	EA		3/4" Schedule 40 PVC Tees	\$25.80
			Quantity	Unit Price	Factor
			2.00	\$10.72	1.2034 =
			x	x	
					Total
					\$25.80
				For condensate piping	
291	23 21 13 23-2013	EA		3/4" Schedule 40 PVC Socket Weld X Threaded Male Adapters	\$8.91
			Quantity	Unit Price	Factor
			1.00	\$7.40	1.2034 =
			x	x	
					Total
					\$8.91
				For condensate piping	
292	23 21 13 23-2035	EA		3/4" Schedule 40 PVC Couplings	\$25.81
			Quantity	Unit Price	Factor
			3.00	\$7.15	1.2034 =
			x	x	
					Total
					\$25.81
				For condensate piping	
293	23 21 13 23-2061	EA		3/4" Schedule 40 PVC Caps	\$17.26
			Quantity	Unit Price	Factor
			2.00	\$7.17	1.2034 =
			x	x	
					Total
					\$17.26
				For condensate piping	
294	31 05 16 00-0003	CY		#4 Stone Aggregate Fill (3/4" To 1-1/2" Clean)	\$19.87
			Quantity	Unit Price	Factor
			0.50	\$33.02	1.2034 =
			x	x	
					Total
					\$19.87
				Rock required for drywell.	
295	31 23 16 13-0007	CY		Excavation For Trenching By Hand In Soil Includes stockpiling excess materials and trimming sides and bottom of trench.	\$1,015.73
			Quantity	Unit Price	Factor
			25.50	\$33.10	1.2034 =
			x	x	
					Total
					\$1,015.73
296	31 23 16 13-0011	CY		Backfilling or Placing Subbase for Trenches with Imported or Stockpiled Materials by Hand	\$282.32
			Quantity	Unit Price	Factor
			25.50	\$9.20	1.2034 =
			x	x	
					Total
					\$282.32
297	31 23 16 13-0014	CY		Compaction of Fill or Subbase for Trenches by Hand	\$318.22
			Quantity	Unit Price	Factor
			25.50	\$10.37	1.2034 =
			x	x	
					Total
					\$318.22
298	33 05 16 13-0431	EA		24" x 24" x 24" Precast Concrete Handholes With Steel Cover 8000 To 12000 pound traffic rated top.	\$847.96
			Quantity	Unit Price	Factor
			1.00	\$704.64	1.2034 =
			x	x	
					Total
					\$847.96
				Precast concrete enclosure for drywell.	
299	33 12 16 00-0036	EA		12" Wide x 16" Long x 16" Deep Plastic Meter Box And Cover	\$159.21
			Quantity	Unit Price	Factor
			1.00	\$132.30	1.2034 =
			x	x	
					Total
					\$159.21
Subtotal for Category - 22-Plumbing:					\$52,868.99
Category - 23-Mechanical					
300	05 05 23 00-0268	EA		3/8" Diameter Threaded Stud Powder Actuated Anchor	\$862.84
			Quantity	Unit Price	Factor
			100.00	\$7.17	1.2034 =
			x	x	
					Total
					\$862.84

Record	Section - Item	Modifier	UOM	Description	Line Total		
Category - 23-Mechanical							
301	05 MO D0 00-0038	0038	EA	For > 50 To 100, Deduct	-\$80.63		
				Quantity	Unit Price	Factor	Total
			Installation	100.00 x	\$-0.67 x	1.2034 =	\$-80.63
302	05 05 23 00-0296		LF	3/8" Diameter, Carbon Steel Threaded Rod	\$127.80		
				Quantity	Unit Price	Factor	Total
			Installation	60.00 x	\$1.77 x	1.2034 =	\$127.80
303	05 05 23 00-0347		EA	3/8" Diameter, Carbon Steel Hex Nut	\$40.92		
				Quantity	Unit Price	Factor	Total
			Installation	100.00 x	\$0.34 x	1.2034 =	\$40.92
304	05 05 23 00-0415		EA	3/8" Inside Diameter, Carbon Steel Split Lock Washer	\$39.71		
				Quantity	Unit Price	Factor	Total
			Installation	100.00 x	\$0.33 x	1.2034 =	\$39.71
305	05 43 00 00-0003		LF	1-5/8" Wide x 1-5/8" High, 12 Gauge, Steel Unistrut Channel	\$462.11		
				Quantity	Unit Price	Factor	Total
			Installation	60.00 x	\$6.40 x	1.2034 =	\$462.11
306	06 05 23 00-0074		EA	3/8" x 4" Long, Hex Lag Bolt	\$731.67		
				Quantity	Unit Price	Factor	Total
			Installation	100.00 x	\$6.08 x	1.2034 =	\$731.67
307	06 MO D0 00-0114	0114	EA	For > 50 To 100, Deduct	-\$68.59		
				Quantity	Unit Price	Factor	Total
			Installation	100.00 x	\$-0.57 x	1.2034 =	-\$68.59
308	08 91 19 00-0002		SF	Fixed Ornamental Louver, 4-10 SF Including Frame, Painted Steel	\$3,324.85		
				Quantity	Unit Price	Factor	Total
			Installation	48.00 x	\$57.56 x	1.2034 =	\$3,324.85
				(4) 18" x 8' louvers for restrooms instead of impact windows as shown on A-9.1.			
309	08 MO D0 00-0564	0564	SF	For Aluminum, Add	\$376.04		
				Quantity	Unit Price	Factor	Total
			Installation	48.00 x	\$6.51 x	1.2034 =	\$376.04
310	08 91 19 00-0018		EA	12" x 12" Square Fixed Aluminum Gable Louver Vent	\$141.83		
				Quantity	Unit Price	Factor	Total
			Installation	1.00 x	\$117.86 x	1.2034 =	\$141.83
				(1) For Storage #2			
311	08 91 19 00-0019		EA	18" x 18" Square Fixed Aluminum Gable Louver Vent	\$175.42		
				Quantity	Unit Price	Factor	Total
			Installation	1.00 x	\$145.77 x	1.2034 =	\$175.42
				(1) For Storage #1			
312	23 09 23 00-0286		EA	175 IN-LB, 24 VAC, 4-20mA, 0-10 VDC, Non-Spring Return Direct Coupled Damper Actuator (Honeywell MN7220A2007)	\$383.76		
				Quantity	Unit Price	Factor	Total
			Installation	1.00 x	\$318.90 x	1.2034 =	\$383.76
313	23 09 23 00-0607		EA	Humidity Control Electronic Programmable Heat/Cool Heat Pump Or Conventional Unit Thermostat (Honeywell T7350D)	\$482.71		
				Quantity	Unit Price	Factor	Total
			Installation	1.00 x	\$401.12 x	1.2034 =	\$482.71

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 23-Mechanical					
314	23 31 13 13-0003		LB	Sheet Metal Ductwork, Low Pressure, Field Fabricated, Galvanized, Field Assemble And Install	\$1,161.28
				Quantity Unit Price Factor Total	
			Installation	250.00 x \$3.86 x 1.2034 =	\$1,161.28
				216 Sf of exhaust and fresh air metal ductwork at 1.156 LB/SF (24 gauge)	
315	23 MO D0 00-0239 0239		LB	For > 200 To 500, Add	\$291.82
				Quantity Unit Price Factor Total	
			Installation	250.00 x \$0.97 x 1.2034 =	\$291.82
316	23 31 13 16-0076		LF	4" Round Spiral Duct, Galvanized, 26 Gauge, Slip Joint	\$101.09
				Quantity Unit Price Factor Total	
			Installation	25.00 x \$3.36 x 1.2034 =	\$101.09
317	23 MO D0 00-0419 0419		LF	For 24 Gauge, Add	\$10.53
				Quantity Unit Price Factor Total	
			Installation	25.00 x \$0.35 x 1.2034 =	\$10.53
318	23 31 13 16-0078		LF	8" Round Spiral Duct, Galvanized, 26 Gauge, Slip Joint	\$68.95
				Quantity Unit Price Factor Total	
			Installation	10.00 x \$5.73 x 1.2034 =	\$68.95
319	23 MO D0 00-0419 0419		LF	For 24 Gauge, Add	\$8.06
				Quantity Unit Price Factor Total	
			Installation	10.00 x \$0.67 x 1.2034 =	\$8.06
320	23 31 13 16-0079		LF	10" Round Spiral Duct, Galvanized, 26 Gauge, Slip Joint	\$168.24
				Quantity Unit Price Factor Total	
			Installation	20.00 x \$6.99 x 1.2034 =	\$168.24
321	23 MO D0 00-0419 0419		LF	For 24 Gauge, Add	\$19.74
				Quantity Unit Price Factor Total	
			Installation	20.00 x \$0.82 x 1.2034 =	\$19.74
322	23 31 13 16-0088		EA	4" Round Spiral 90 Degree Elbow, 2-Piece, Galvanized, 26 Gauge, Slip Joint	\$125.68
				Quantity Unit Price Factor Total	
			Installation	4.00 x \$26.11 x 1.2034 =	\$125.68
323	23 MO D0 00-0419 0419		EA	For 24 Gauge, Add	\$9.48
				Quantity Unit Price Factor Total	
			Installation	4.00 x \$1.97 x 1.2034 =	\$9.48
324	23 33 13 13-0054		EA	24" x 10" Rectangular Opposed Blade Damper, Steel Construction, Manual Operation	\$73.35
				Quantity Unit Price Factor Total	
			Installation	1.00 x \$60.95 x 1.2034 =	\$73.35
325	23 33 23 00-0002		LF	Turning Vane Rail	\$47.37
				Quantity Unit Price Factor Total	
			Installation	12.00 x \$3.28 x 1.2034 =	\$47.37
326	23 33 23 00-0005		LF	12" High Turning Vanes, Sets	\$437.28
				Quantity Unit Price Factor Total	
			Installation	29.00 x \$12.53 x 1.2034 =	\$437.28
327	23 33 46 00-0002		LF	Up To 4" Diameter Flexible Duct, Factory Fabricated, Preinsulated	\$107.40
				Quantity Unit Price Factor Total	
			Installation	25.00 x \$3.57 x 1.2034 =	\$107.40

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 23-Mechanical					
328	23 33 46 00-0004	LF		6" Diameter Flexible Duct, Factory Fabricated, Preinsulated	\$138.39
			Quantity	Unit Price	Factor
		Installation	25.00 x	\$4.60 x	1.2034 =
					Total \$138.39
329	23 33 46 00-0006	LF		8" Diameter Flexible Duct, Factory Fabricated, Preinsulated	\$184.72
			Quantity	Unit Price	Factor
		Installation	25.00 x	\$6.14 x	1.2034 =
					Total \$184.72
330	23 33 46 00-0007	LF		10" Diameter Flexible Duct, Factory Fabricated, Preinsulated	\$463.31
			Quantity	Unit Price	Factor
		Installation	50.00 x	\$7.70 x	1.2034 =
					Total \$463.31
331	23 33 46 00-0014	EA		Up To 4" Diameter Flexible Duct Collar, Spin-In Type, Sheet Metal, With Damper	\$59.38
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$24.67 x	1.2034 =
					Total \$59.38
332	23 33 46 00-0016	EA		6" Diameter Flexible Duct Collar, Spin-In Type, Sheet Metal, With Damper	\$140.32
			Quantity	Unit Price	Factor
		Installation	4.00 x	\$29.15 x	1.2034 =
					Total \$140.32
333	23 33 46 00-0018	EA		8" Diameter Flexible Duct Collar, Spin-In Type, Sheet Metal, With Damper	\$179.35
			Quantity	Unit Price	Factor
		Installation	4.00 x	\$37.26 x	1.2034 =
					Total \$179.35
334	23 33 46 00-0019	EA		10" Diameter Flexible Duct Collar, Spin-In Type, Sheet Metal, With Damper	\$644.06
			Quantity	Unit Price	Factor
		Installation	12.00 x	\$44.60 x	1.2034 =
					Total \$644.06
335	23 33 53 00-0005	SF		1-1/2" Field Installed, 3 LB/CF, Fiberglass Duct Liner Board	\$6,084.39
			Quantity	Unit Price	Factor
		Installation	800.00 x	\$6.32 x	1.2034 =
					Total \$6,084.39
336	23 34 16 00-0133	EA		9" Diameter Wheel, 1/2 HP Belt Drive, Kitchen Make-Up Air Fan115/208-230/60/1. For roof installations. Includes downblast discharge, weatherhood, filter and disconnect switch.	\$1,185.04
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$984.74 x	1.2034 =
					Total \$1,185.04
		EF-3 - Restrooms			
337	23 34 16 00-0175	EA		14" Wheel Diameter, 1/3 HP Direct Drive, In-Line Duct Fan115V. Includes disconnect switch.	\$1,115.79
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$927.20 x	1.2034 =
					Total \$1,115.79
		EF-4 - Storage Room			
338	23 34 16 00-0228	EA		70 CFM Exhaust Fan, Ceiling/Wall Mounted, Light Duty	\$291.58
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$121.15 x	1.2034 =
					Total \$291.58
		EF 1&2 - Restroom and Storage.			
339	23 34 16 00-0249	EA		Roof Vent Kit For Exhaust Fan, With Roof Cap And Flashing	\$88.86
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$73.84 x	1.2034 =
					Total \$88.86
		EF-3			
340	23 34 16 00-0250	EA		Wall Vent Kit For Exhaust Fan, With Wall Cap	\$64.92
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$53.95 x	1.2034 =
					Total \$64.92
		EF-2 - for Storage			

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 23-Mechanical					
341	23 37 13 00-0079		EA	24" x 24" Single Deflection Return/Exhaust Register, Aluminum, Opposed Blade Damper, Wall/Ceiling	\$910.97
				Quantity 5.00 x Unit Price \$151.40 x Factor 1.2034 = Total \$910.97	
342	23 37 13 00-0136		EA	6" x 6" Adjustable Shutter Blade Register, Double Deflection, Flat Aluminum Frame	\$93.13
				Quantity 1.00 x Unit Price \$77.39 x Factor 1.2034 = Total \$93.13	
343	23 37 13 00-0140		EA	12" x 12" Adjustable Shutter Blade Register, Double Deflection, Flat Aluminum Frame	\$289.88
				Quantity 2.00 x Unit Price \$120.44 x Factor 1.2034 = Total \$289.87	
344	23 37 13 00-0143		EA	18" x 18" Adjustable Shutter Blade Register, Double Deflection, Flat Aluminum Frame	\$869.05
				Quantity 3.00 x Unit Price \$240.72 x Factor 1.2034 = Total \$869.05	
345	23 37 13 00-0144		EA	24" x 24" Adjustable Shutter Blade Register, Double Deflection, Flat Aluminum Frame	\$2,045.96
				Quantity 5.00 x Unit Price \$340.03 x Factor 1.2034 = Total \$2,045.96	
346	23 37 13 00-0208		EA	12" x 12" Egg Crate Wall Return Air Or Exhaust Grille, Aluminum Construction	\$33.15
				Quantity 1.00 x Unit Price \$27.55 x Factor 1.2034 = Total \$33.15	
				Wall grille for	
347	23 37 13 00-0209		EA	18" x 18" Egg Crate Wall Return Air Or Exhaust Grille, Aluminum Construction	\$98.70
				Quantity 2.00 x Unit Price \$41.01 x Factor 1.2034 = Total \$98.70	
				Wall grilles for exhaust to roof in restrooms.	
348	23 74 13 00-0004		EA	4 Ton Cooling, Electric Heat Self Contained Package Rooftop UnitElectric load approximately 1/2 the cooling capacity.	\$6,075.05
				Quantity 1.00 x Unit Price \$5,048.24 x Factor 1.2034 = Total \$6,075.05	
				RTU#3	
349	23 MO D0 00-0490 0490		EA	For Equipment Base Roof Curbs, Add	\$472.52
				Quantity 1.00 x Unit Price \$392.65 x Factor 1.2034 = Total \$472.52	
350	23 MO D0 00-0550 0550		EA	For Unit Economizer, Add	\$0.00
				Quantity 0.00 x Unit Price \$594.56 x Factor 1.2034 = Total \$0.00	

Subtotal for Category - 23-Mechanical: \$31,159.23

Category - 26-Electrical

Category 1 - 26-Electrical, Category 2 - Earthwork

351	31 23 16 13-0008		CY	Excavation For Trenching By Hand In Loose RockIncludes stockpiling excess materials and trimming sides and bottom of trench.	\$3,417.05
				Quantity 50.00 x Unit Price \$56.79 x Factor 1.2034 = Total \$3,417.05	
				Excavation required for new electrical riser panel "RR" from existing electrical building & for (2) 2" conduits to new building from existing park administration building.	

Record	Section - Item	Modifier	UOM	Description	Line Total																
Category - 26-Electrical																					
352	31 23 16 13-0011		CY	Backfilling or Placing Subbase for Trenches with Imported or Stockpiled Materials by Hand	\$553.56																
				<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>50.00</td><td>x</td><td>\$9.20</td><td>x</td><td>1.2034</td><td>=</td><td>\$553.56</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		50.00	x	\$9.20	x	1.2034	=	\$553.56	
Installation	Quantity		Unit Price		Factor		Total														
	50.00	x	\$9.20	x	1.2034	=	\$553.56														
				Excavation required for new electrical riser panel "RR" from existing electrical building & for (2) 2" conduits to new building from existing park administration building.																	
353	31 23 16 13-0014		CY	Compaction of Fill or Subbase for Trenches by Hand	\$623.96																
				<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>50.00</td><td>x</td><td>\$10.37</td><td>x</td><td>1.2034</td><td>=</td><td>\$623.96</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		50.00	x	\$10.37	x	1.2034	=	\$623.96	
Installation	Quantity		Unit Price		Factor		Total														
	50.00	x	\$10.37	x	1.2034	=	\$623.96														
				Excavation required for new electrical riser panel "RR" from existing electrical building & for (2) 2" conduits to new building from existing park administration building.																	
					\$4,594.57																
Category 1 - 26-Electrical, Category 2 - Lighting																					
354	26 51 13 00-0085		EA	3 T8 Lamps, 2' x 4', Surface Mounted, Box Type Fluorescent Fixture	\$164.44																
	Excludes Material			<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>5.00</td><td>x</td><td>\$27.33</td><td>x</td><td>1.2034</td><td>=</td><td>\$164.44</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		5.00	x	\$27.33	x	1.2034	=	\$164.44	
Installation	Quantity		Unit Price		Factor		Total														
	5.00	x	\$27.33	x	1.2034	=	\$164.44														
				(5) Fixture type F																	
355	26 51 13 00-0135		EA	3 T8 Lamps, 2' x 2', Direct-Indirect, Recessed Fluorescent Fixture	\$28.20																
	Excludes Material			<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>1.00</td><td>x</td><td>\$23.43</td><td>x</td><td>1.2034</td><td>=</td><td>\$28.20</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		1.00	x	\$23.43	x	1.2034	=	\$28.20	
Installation	Quantity		Unit Price		Factor		Total														
	1.00	x	\$23.43	x	1.2034	=	\$28.20														
				Labor & equipment to install (1) Fixture type CE																	
356	26 51 13 00-0136		EA	2 T5 Lamps, 2' x 2', Direct-Indirect, Recessed Fluorescent Fixture	\$56.39																
	Excludes Material			<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>2.00</td><td>x</td><td>\$23.43</td><td>x</td><td>1.2034</td><td>=</td><td>\$56.39</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		2.00	x	\$23.43	x	1.2034	=	\$56.39	
Installation	Quantity		Unit Price		Factor		Total														
	2.00	x	\$23.43	x	1.2034	=	\$56.39														
				Labor & equipment to install (1) Fixture type B & (1) BE)																	
357	26 51 13 00-0138		EA	2 T8 Lamps, 2' x 4', Direct-Indirect, Recessed Fluorescent Fixture	\$361.78																
	Excludes Material			<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>11.00</td><td>x</td><td>\$27.33</td><td>x</td><td>1.2034</td><td>=</td><td>\$361.78</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		11.00	x	\$27.33	x	1.2034	=	\$361.78	
Installation	Quantity		Unit Price		Factor		Total														
	11.00	x	\$27.33	x	1.2034	=	\$361.78														
				Labor & equipment to install (8) Fixture type D & (3) DE)																	
358	26 51 13 00-0203		EA	4 T8 Lamps, 8' Length, Industrial Fluorescent Fixture	\$131.56																
	Excludes Material			<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>4.00</td><td>x</td><td>\$27.33</td><td>x</td><td>1.2034</td><td>=</td><td>\$131.56</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		4.00	x	\$27.33	x	1.2034	=	\$131.56	
Installation	Quantity		Unit Price		Factor		Total														
	4.00	x	\$27.33	x	1.2034	=	\$131.56														
				(4) Fixture type E																	
359	26 51 13 00-0330		EA	14" Round, Ceiling Mounted, Circline Fluorescent Fixture With Lens	\$254.30																
	Excludes Material			<table><tr><td>Installation</td><td>Quantity</td><td></td><td>Unit Price</td><td></td><td>Factor</td><td></td><td>Total</td></tr><tr><td></td><td>9.00</td><td>x</td><td>\$23.48</td><td>x</td><td>1.2034</td><td>=</td><td>\$254.30</td></tr></table>	Installation	Quantity		Unit Price		Factor		Total		9.00	x	\$23.48	x	1.2034	=	\$254.30	
Installation	Quantity		Unit Price		Factor		Total														
	9.00	x	\$23.48	x	1.2034	=	\$254.30														
				(9) Fixture type G																	

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 26-Electrical					
360	26 51 14 00-0003	LS		City of Miami Beach Flamingo Park Restroom/Office Lighting Package	\$45,303.55
		NPP Task			
		Installation	Quantity 1.00 x	Unit Price \$38,160.00 x	Factor 1.1872 = Total \$45,303.55
		Sole Source:			
		(8) Type A			
		(1) Type B			
		(1) Type BE			
		(1) Type CE			
		(8) Type D			
		(3) Type DE			
		(5) Type F			
		(6) Type FE			
		(9) Type G			
		(6) Type H			
361	26 53 00 00-0017	EA		Single Face, Edge-Lit LED Exit Sign With Battery Back-Up	\$597.63
		Installation	Quantity 2.00 x	Unit Price \$248.31 x	Factor 1.2034 = Total \$597.63
362	26 56 26 00-0007	EA		42" H.I.D. Bollard	\$1,644.33
		Excludes Material			
		Installation	Quantity 8.00 x	Unit Price \$170.80 x	Factor 1.2034 = Total \$1,644.33
		Labor & equipment to install Gardco 30 Watt LED bollard lighting as per sheet E-3.0.			
363	26 56 26 00-0036	EA		15 Watt LED Step Light	\$493.30
		Excludes Material			
		Installation	Quantity 6.00 x	Unit Price \$68.32 x	Factor 1.2034 = Total \$493.30
		Provide and Install (6) Luminaire SPC812 15 watt LED in lieu of 15 watt LED step light.			
					\$49,035.48
364	26 05 19 16-0012	MLF		#12 AWG Cable - Type THHN-THWN, 600 V Copper, Single Solid, Placed In Conduit	\$1,420.87
		Installation	Quantity 3.00 x	Unit Price \$393.57 x	Factor 1.2034 = Total \$1,420.87
365	26 05 19 16-0013	MLF		#10 AWG Cable - Type THHN-THWN, 600 V Copper, Single Solid, Placed In Conduit	\$1,236.76
		Installation	Quantity 2.00 x	Unit Price \$513.86 x	Factor 1.2034 = Total \$1,236.76
366	26 05 19 16-0121	MLF		#8 AWG Cable - Type THHN-THWN, Underground Feeder And Branch Circuit	\$143.88
		Installation	Quantity 0.16 x	Unit Price \$747.28 x	Factor 1.2034 = Total \$143.88
367	26 05 19 16-0128	MLF		#3/0 AWG Cable - Type THHN-THWN, Underground Feeder And Branch Circuit	\$3,474.76
		Installation	Quantity 0.64 x	Unit Price \$4,511.64 x	Factor 1.2034 = Total \$3,474.76
368	26 05 19 16-0187	MLF		#12 AWG Cable - Type MC, 2 Conductors, Solid Or Stranded, Galvanized Steel Armor	\$3,208.91
		Installation	Quantity 1.50 x	Unit Price \$1,777.69 x	Factor 1.2034 = Total \$3,208.91
369	26 05 19 16-0240	EA		3/4" Armored Cable Connector	\$163.66
		Installation	Quantity 50.00 x	Unit Price \$2.72 x	Factor 1.2034 = Total \$163.66
		Used in lieu of missing single m/c box connectors.			

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 26-Electrical					
370	26 05 19 16-0241	EA		1" Armored Cable Connector	\$405.50
			Quantity	Unit Price	Factor
			104.00	\$3.24	1.2034
			x	x	=
					Total
					\$405.50
				Used in lieu of missing twin m/c box connectors.	
371	26 05 26 00-0099	EA		5/8" Diameter x 10' Long Copper-Clad Ground Rods	\$674.85
			Quantity	Unit Price	Factor
			9.00	\$62.31	1.2034
			x	x	=
					Total
					\$674.85
				(1) for new panel & (1) for each bollard light fixture type a.	
372	26 05 29 00-0072	EA		1/2", One Hole Steel Conduit Strap	\$406.75
			Quantity	Unit Price	Factor
			200.00	\$1.69	1.2034
			x	x	=
					Total
					\$406.75
				Used to anchor m/c.	
373	26 05 29 00-0073	EA		3/4", One Hole Steel Conduit Strap	\$208.19
			Quantity	Unit Price	Factor
			100.00	\$1.73	1.2034
			x	x	=
					Total
					\$208.19
374	26 05 29 00-0119	EA		1/2", Push-In Conduit Clip	\$469.33
			Quantity	Unit Price	Factor
			200.00	\$1.95	1.2034
			x	x	=
					Total
					\$469.33
375	26 05 29 00-0125	EA		3/4", Conduit Hanger From Flange, Wire Or Rod	\$380.08
			Quantity	Unit Price	Factor
			224.00	\$1.41	1.2034
			x	x	=
					Total
					\$380.08
376	26 05 29 00-0134	EA		15/16" Grid Size, Independent T-Bar Support Clip (Caddy IDS)	\$803.87
			Quantity	Unit Price	Factor
			200.00	\$3.34	1.2034
			x	x	=
					Total
					\$803.87
				3/8" bat wings	
377	26 05 29 00-0136	EA		24" Long Snap On T-Bar Electrical Box Hanger (Caddy 512)	\$230.98
			Quantity	Unit Price	Factor
			14.00	\$13.71	1.2034
			x	x	=
					Total
					\$230.98
378	26 05 29 00-0138	EA		1/4" To 3/4" Drywall Thickness, Adjustable Switch And Outlet Box Support (Caddy MFS)	\$128.46
			Quantity	Unit Price	Factor
			35.00	\$3.05	1.2034
			x	x	=
					Total
					\$128.46
				(3) switches, (23) receptacles, & (9) data rough-ins	
379	26 05 29 00-0210	C		14-1/2" Length, 50# Tensile Strength, Nylon Cable Ties	\$82.89
			Quantity	Unit Price	Factor
			3.00	\$22.96	1.2034
			x	x	=
					Total
					\$82.89
				300 tie wraps.	
380	26 05 29 00-0253	EA		3/8" x 5/8" To 1-1/8" Hollow Wall Screw Anchors	\$332.14
			Quantity	Unit Price	Factor
			200.00	\$1.38	1.2034
			x	x	=
					Total
					\$332.14
				Framing screws to anchor boxes and supports.	
381	26 05 33 13-0070	EA		1/2" RGS Plastic Bushing Set With Locknuts	\$13.14
			Quantity	Unit Price	Factor
			2.00	\$5.46	1.2034
			x	x	=
					Total
					\$13.14

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 26-Electrical					
382	26 05 33 13-0291	LF		3/4" EMT Conduit, Mounted Exposed On Flat Wall	\$1,193.77
			Quantity	Unit Price	Factor
		Installation	400.00 x	\$2.48 x	1.2034 =
					Total \$1,193.77
383	26 05 33 13-0324	EA		3/4" EMT Compression Coupling	\$151.63
			Quantity	Unit Price	Factor
		Installation	40.00 x	\$3.15 x	1.2034 =
					Total \$151.63
384	26 05 33 13-0325	EA		1" EMT Compression Coupling	\$222.39
			Quantity	Unit Price	Factor
		Installation	40.00 x	\$4.62 x	1.2034 =
					Total \$222.39
385	26 05 33 13-0357	EA		3/4" EMT Box Connector, Compression	\$155.96
			Quantity	Unit Price	Factor
		Installation	30.00 x	\$4.32 x	1.2034 =
					Total \$155.96
386	26 05 33 13-1338	LF		3/4" PVC Schedule 40 Conduit With Coupling, Direct Burial, Glued Coupling	\$422.39
			Quantity	Unit Price	Factor
		Installation	300.00 x	\$1.17 x	1.2034 =
					Total \$422.39
387	26 05 33 13-1341	LF		1-1/2" PVC Schedule 40 Conduit With Coupling, Direct Burial, Glued Coupling	\$326.84
			Quantity	Unit Price	Factor
		Installation	140.00 x	\$1.94 x	1.2034 =
					Total \$326.84
388	26 05 33 13-1342	LF		2" PVC Schedule 40 Conduit With Coupling, Direct Burial, Glued Coupling	\$1,311.71
			Quantity	Unit Price	Factor
		Installation	500.00 x	\$2.18 x	1.2034 =
					Total \$1,311.71
389	26 05 33 13-1351	EA		3/4" PVC Schedule 40 Elbow 90 Degree Direct Burial, Glued Coupling	\$163.42
			Quantity	Unit Price	Factor
		Installation	20.00 x	\$6.79 x	1.2034 =
					Total \$163.42
390	26 05 33 13-1354	EA		1-1/2" PVC Schedule 40 Elbow 90 Degree Direct Burial, Glued Coupling	\$44.15
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$12.23 x	1.2034 =
					Total \$44.15
391	26 05 33 13-1355	EA		2" PVC Schedule 40 Elbow 90 Degree Direct Burial, Glued Coupling	\$173.41
			Quantity	Unit Price	Factor
		Installation	10.00 x	\$14.41 x	1.2034 =
					Total \$173.41
392	26 05 33 13-1364	EA		3/4" PVC Schedule 40 Adapter, Direct Burial, Glued Coupling	\$181.95
			Quantity	Unit Price	Factor
		Installation	30.00 x	\$5.04 x	1.2034 =
					Total \$181.95
393	26 05 33 13-1367	EA		1-1/2" PVC Schedule 40 Adapter, Direct Burial, Glued Coupling	\$141.16
			Quantity	Unit Price	Factor
		Installation	17.00 x	\$6.90 x	1.2034 =
					Total \$141.16
394	26 05 33 13-1368	EA		2" PVC Schedule 40 Adapter, Direct Burial, Glued Coupling	\$582.93
			Quantity	Unit Price	Factor
		Installation	70.00 x	\$6.92 x	1.2034 =
					Total \$582.93
395	26 05 33 13-1682	LF		1/2" Liquid Tight Flex Conduit	\$83.28
			Quantity	Unit Price	Factor
		Installation	40.00 x	\$1.73 x	1.2034 =
					Total \$83.28
396	26 05 33 13-1683	LF		3/4" Liquid Tight Flex Conduit	\$41.70
			Quantity	Unit Price	Factor
		Installation	15.00 x	\$2.31 x	1.2034 =
					Total \$41.70

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 26-Electrical					
397	26 05 33 13-1693	EA		1/2" Straight Liquid Tight Connector	\$54.15
			Quantity	Unit Price	Factor
		Installation	10.00 x	\$4.50 x	1.2034 =
					Total \$54.15
398	26 05 33 13-1694	EA		3/4" Straight Liquid Tight Connector	\$26.43
			Quantity	Unit Price	Factor
		Installation	4.00 x	\$5.49 x	1.2034 =
					Total \$26.43
399	26 05 33 16-0005	EA		4" Square Steel Box X 2-1/8" Deep With Cover	\$177.26
			Quantity	Unit Price	Factor
		Installation	10.00 x	\$14.73 x	1.2034 =
					Total \$177.26
400	26 05 33 16-0008	EA		4" Steel Octagon Box, 2-1/8" Deep With Cover	\$397.12
			Quantity	Unit Price	Factor
		Installation	20.00 x	\$16.50 x	1.2034 =
					Total \$397.12
401	26 05 33 16-0019	EA		4" Square Steel Blank Cover	\$56.75
			Quantity	Unit Price	Factor
		Installation	12.00 x	\$3.93 x	1.2034 =
					Total \$56.75
402	26 05 33 16-0020	EA		4" Square Steel 1/2" Raised Device Cover	\$255.75
			Quantity	Unit Price	Factor
		Installation	42.00 x	\$5.06 x	1.2034 =
					Total \$255.75
403	26 05 33 16-0175	EA		3/4", 4" Square Cut Tile Ring, 1 Gang, Flush Mount	\$221.67
			Quantity	Unit Price	Factor
		Installation	30.00 x	\$6.14 x	1.2034 =
					Total \$221.67
				Used in lieu of missing plaster/mud rings	
404	26 05 33 16-0179	EA		3/4", 4" Square Cut Tile Ring, 2 Gang, Flush Mount	\$26.57
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$7.36 x	1.2034 =
					Total \$26.57
				Used in lieu of missing plaster/mud rings.	
405	26 05 33 16-0216	EA		3/4" FS Type Surface Mounted PVC Box With Weatherproof Cover	\$167.15
			Quantity	Unit Price	Factor
		Installation	3.00 x	\$46.30 x	1.2034 =
					Total \$167.15
				Bell boxes with bubble covers.	
406	26 09 23 00-0011	EA		Lighting Contactor, 3-Pole, 60 Amp Electrically Held, NEMA 1, 600 Volt Class	\$1,502.32
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$624.20 x	1.2034 =
					Total \$1,502.32
407	26 09 23 00-0037	EA		Photo-Cell, 105-285 Volt Relay, Lighting Arrester, Receptacle And Bracket	\$101.69
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$84.50 x	1.2034 =
					Total \$101.69
408	26 09 23 00-0119	EA		Ultrasonic, Wall Switch Mounted Occupancy Sensor (Watt Stopper UW-100)	\$661.39
			Quantity	Unit Price	Factor
		Installation	6.00 x	\$91.60 x	1.2034 =
					Total \$661.39
				Required in offices; office restroom; storage no. 2, & work area.	
409	26 09 23 00-0139	EA		1000 SF 360 Degree Coverage, 25 KHZ Ultrasonic, Ceiling Mounted Occupancy Sensor (Watt Stopper W-1000A)	\$791.66
			Quantity	Unit Price	Factor
		Installation	5.00 x	\$131.57 x	1.2034 =
					Total \$791.66

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 26-Electrical					
410	26 09 23 00-0191	EA		120/277 VAC, 20A, Dual Voltage, Occupancy Sensor Power Pack (Watt Stopper BZ-100)	\$259.65
			Quantity	Unit Price	Factor
		Installation	4.00 x	\$53.94 x	1.2034 =
					Total \$259.65
411	26 24 16 00-0232	EA		225 A - 42 Circuit Capacity, 120/208 V, 4 Wire, 3 Phase, NEMA 1 Panelboard, Main Breaker, Unassembled	\$2,133.17
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$1,772.62 x	1.2034 =
					Total \$2,133.17
				(1) New Panel RR	
412	26 24 16 00-0255	EA		225 A - 42 Circuit Capacity, 120/208 V, 4 Wire, 3 Phase, NEMA 3R, 5, 12 Panelboard, Main Breaker, Unassembled	\$2,931.53
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$2,436.04 x	1.2034 =
					Total \$2,931.53
413	26 24 16 00-0364	EA		1 Pole, 120/240 Volt, 15-30 A, Branch Circuit Breaker, 10,000 Amp Interrupting Capacity	\$444.78
			Quantity	Unit Price	Factor
		Installation	15.00 x	\$24.64 x	1.2034 =
					Total \$444.78
414	26 MO D0 00-0107 0107	EA		For Bolt-On, Add	\$109.57
			Quantity	Unit Price	Factor
		Installation	15.00 x	\$6.07 x	1.2034 =
					Total \$109.57
415	26 24 16 00-0371	EA		2 Pole, 120/240 Volt, 15-30 A, Branch Circuit Breaker, 10,000 Amp Interrupting Capacity	\$51.82
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$43.06 x	1.2034 =
					Total \$51.82
				(1) for bollard lights.	
416	26 MO D0 00-0107 0107	EA		For Bolt-On, Add	\$11.88
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$9.87 x	1.2034 =
					Total \$11.88
417	26 24 16 00-0372	EA		2 Pole, 120/240 Volt, 35-60 A, Branch Circuit Breaker, 10,000 Amp Interrupting Capacity	\$103.64
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$43.06 x	1.2034 =
					Total \$103.64
				(1) for RTU #1 & (1) for TVSS Unit	
418	26 MO D0 00-0107 0107	EA		For Bolt-On, Add	\$23.76
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$9.87 x	1.2034 =
					Total \$23.76
419	26 24 16 00-0442	EA		3 Pole, 240/480 Volt, 70-100 A, Branch Circuit Breaker, 25,000 Amp Interrupting Capacity	\$336.80
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$279.87 x	1.2034 =
					Total \$336.80
				To be installed in existing panel P to provide service to new panel "RR"	
420	26 MO D0 00-0434 0434	EA		For Bolt-On, Add	\$0.00
			Quantity	Unit Price	Factor
		Installation	0.00 x	\$42.46 x	1.2034 =
					Total \$0.00
421	26 27 23 00-0021	EA		Add-On Cover Plate For One Duplex Receptacle	\$559.15
			Quantity	Unit Price	Factor
		Installation	24.00 x	\$19.36 x	1.2034 =
					Total \$559.15

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 26-Electrical					
422	26 27 26 00-0018	EA		20 A, NEMA 5-20, Duplex Receptacle, 125 V, 1 Phase	\$195.43
			Quantity	Unit Price	Factor
		Installation	16.00 x	\$10.15 x	1.2034 =
					Total \$195.43
423	26 27 26 00-0069	EA		20 Amp GFI, Duplex Receptacle	\$170.92
			Quantity	Unit Price	Factor
		Installation	7.00 x	\$20.29 x	1.2034 =
		Required			Total \$170.92
424	26 27 26 00-0071	EA		20 Amp, 120 V, GFI, Weatherproof Duplex Receptacle	\$31.30
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$26.01 x	1.2034 =
					Total \$31.30
425	26 27 26 00-0133	EA		20 A, 120/277 V SPST Switch	\$33.38
			Quantity	Unit Price	Factor
		Installation	2.00 x	\$13.87 x	1.2034 =
		Required to operate fixture type G and E in maintenance access for restrooms			Total \$33.38
426	26 27 26 00-0143	EA		20 A 125 VAC, Three Pole, Maintained Contact Switch Or 250 VAC 10 Amp, with center off double throw BAT handle.	\$46.75
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$38.85 x	1.2034 =
		Required for switch to fan on roof above restrooms			Total \$46.75
427	26 28 16 00-0156	EA		60 A, Fused Disconnect Switch, NEMA 3R, Heavy Duty, With Fuses, 240 V, 1 Phase, 2 Pole	\$614.81
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$510.89 x	1.2034 =
		Required for RTU #1			Total \$614.81
428	26 43 13 00-0019	EA		208/120VAC Three Phase, 4 Wire 100 kA Medium Exposure Transient Voltage Surge Suppressor	\$495.74
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$411.95 x	1.2034 =
		(Transient Voltage Surge Suppressor) TVSS TG3-125-208-3Y-PN-B-M2-F			Total \$495.74
429	27 14 13 16-0335	MLF		4-Pair Solid STP, 24 AWG, Category 5E, Indoor Telecommunications Plenum Cable, Installed In Conduit	\$1,265.69
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$1,051.76 x	1.2034 =
		Required for			Total \$1,265.69
430	33 71 19 00-0003	EA		24" x 36" x 24", Electric Pull Boxes, Precast Concrete	\$939.83
			Quantity	Unit Price	Factor
		Installation	1.00 x	\$780.98 x	1.2034 =
					Total \$939.83
Subtotal for Category - 26-Electrical:					\$87,811.27
Category - 31-Landscape Berm					
431	31 05 13 00-0004	CY		Native Soil/Dirt - Common	\$53,064.69
			Quantity	Unit Price	Factor
		Installation	2,666.00 x	\$16.54 x	1.2034 =
		New undulating landscape berm- Total area approx 22,000 SF less building SF= 20,000SF * avg depth of 3' * 1.2% for compaction			Total \$53,064.69

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 31-Landscape Berm					
432	31 05 16 00-0026		CY	Aggregate PlacementIncludes Spreading, Grading, Compaction Rolling	\$59,705.80
				Quantity Unit Price Factor Total	
				Installation 2,666.00 x \$18.61 x 1.2034 =	\$59,705.80
				Placement, spreading and compaction of landscape berm.	
433	32 92 23 00-0045		MSF	>8,000 SF, St. Augustine Floratam Sod, Installed On Sloped Ground	\$13,807.57
				Quantity Unit Price Factor Total	
				Installation 20.00 x \$573.69 x 1.2034 =	\$13,807.57
				St. Augustine grass	
Subtotal for Category - 31-Landscape Berm:					\$126,578.06
Category - 31-Site					
434	31 25 14 26-0011		LF	3' High Silt Fence with Stakes at 10' O.C	\$429.95
				Quantity Unit Price Factor Total	
				Installation 616.00 x \$0.58 x 1.2034 =	\$429.95
				Per notes, provide silt fencing at fence perimeter.	
Subtotal for Category - 31-Site:					\$429.95
Category - 31-Termite Protection					
435	31 31 16 13-0002		SF	Termite Pretreatment, Commercial Soil Poisoning Under Slab	\$2,000.20
				Quantity Unit Price Factor Total	
				Installation 2,916.00 x \$0.57 x 1.2034 =	\$2,000.20
Subtotal for Category - 31-Termite Protection:					\$2,000.20
Category - 32-Irrigation Allowance					
436	01 22 16 00-0002		EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for the actual cost of all permits, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0000. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.	\$2,000.00
				Quantity Unit Price Factor Total	
				Installation 2,000.00 x \$1.00 x 1.0000 =	\$2,000.00
				Allowance for irrigation	
Subtotal for Category - 32-Irrigation Allowance:					\$2,000.00
Category - 32-Rooftop Equipment Screen					
437	07 63 00 00-0004		EA	6" x 6" 24 Gauge Galvanized Sheet Metal, Filled Pitch Pockets	\$197.30
				Quantity Unit Price Factor Total	
				Installation 5.00 x \$32.79 x 1.2034 =	\$197.30
				Pitch pocket assumed every 5'. 25'5=5	
438	32 31 19 00-0036		LF	5' Steel Tube Fence, Verticals At > 2-1/2" To 3" On Center With 2-1/2" Square Posts	\$1,137.07
				Quantity Unit Price Factor Total	
				Installation 24.00 x \$39.37 x 1.2034 =	\$1,137.07
				Allowance for rooftop equipment equipment screen. No fenc details provided.	

Record	Section - Item	Modifier	UOM	Description	Line Total
Category - 32-Rooftop Equipment Screen					
439	32 31 26 00-0032		SF	Screen Wire, 48" Wide Rolls	\$181.95
			Quantity	Unit Price	Factor
			Installation	120.00 x \$1.26 x	1.2034 =
					Total \$181.95
Subtotal for Category - 32-Rooftop Equipment Screen:					\$1,516.32
Category - 32-Sidewalk					
440	32 11 16 00-0015		SF	4" Crushed Aggregate Base Course	\$1,646.25
			Quantity	Unit Price	Factor
			Installation	1,900.00 x \$0.72 x	1.2034 =
					Total \$1,646.25
			4" base for sidewalk. requested by Owner.		
441	32 16 23 00-0002		SF	4" Cast In Place Concrete Sidewalk With Wire Mesh	\$7,956.88
			Quantity	Unit Price	Factor
			Installation	1,900.00 x \$3.48 x	1.2034 =
					Total \$7,956.88
			New cast-in place sidewalk		
Subtotal for Category - 32-Sidewalk:					\$9,603.13
Category - 32-Tree Relocation					
442	32 96 43 00-0005		EA	>36" To 48" Root Ball, Move Trees On Site	\$1,736.70
			Quantity	Unit Price	Factor
			Installation	4.00 x \$360.79 x	1.2034 =
					Total \$1,736.70
Subtotal for Category - 32-Tree Relocation:					\$1,736.70
Proposal Total					\$800,837.30

This proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.

The Percent of NPP on this Proposal: **5.6570%**

Contractor's Non-Prepriced Worksheet

Date: 1/27/2016

Re: Job Order 038312.00

Title Flamingo Park New Restroom / Office Facility

SECTION	ITEM	UOM	DESCRIPTION			
26 51 14 00 0003		LS	City of Miami Beach Flamingo Park Restroom/Office Lighting Package			
Install Price:	38,160.00	X	Install Quantity:	1.00	=	Install Total: \$38,160.00
					X	Factor: 1.19
					=	Line Item Total: \$45,303.55

For Work Performed with the Contractor's Own Forces:

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***Material Cost Quotes**

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____

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					X	Factor: 1.19
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***Material Cost Quotes**

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1. _____	\$ _____
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Date: 1/27/2016

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2. _____ \$ _____
3. _____ \$ _____

For Work Performed By Subcontractors:

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(Supported by Quotes) (This Should be the Price Entered into PROGEN)
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**Subcontractor Cost Quotes

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____ \$ _____
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Convert to Unit Price



Contractor's Non-Prepriced Worksheet

Date: 1/27/2016

Re: Job Order 038312.00

Title Flamingo Park New Restroom / Office Facility

SECTION	ITEM	UOM	DESCRIPTION
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26 51 14 00 0003	LS	City of Miami Beach Flamingo Park Restroom/Office Lighting Package
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Install Price:	38,160.00	X	Install Quantity:	1.00	=	Install Total:	\$38,160.00
					X	Factor:	1.19
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Contractor's Non-Prepriced Worksheet

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SECTION ITEM UOM DESCRIPTION

26 51 14 00 0003 LS City of Miami Beach Flamingo Park Restroom/Office Lighting Package

Install Price:	38,160.00	X	Install Quantity:	1.00	=	Install Total:	\$38,160.00
					X	Factor:	1.19
					=	Line Item Total:	\$45,303.55

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Total Cost for Self-perform NPP Work Task =
 _____ (A+B+C) x Non-Prepriced Work Task Adjustment Factor

***Material Cost Quotes**

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____

For Work Performed By Subcontractors:

- G. _____ Subcontractor Costs**
(Supported by Quotes) (This Should be the Price Entered into PROGEN)
- H. 1.19 Contractor's Non Pre-Priced Adjustment Factor
- I. _____ Total Price for NPP Items being Performed by Subcontractors = G x H

****Subcontractor Cost Quotes**

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____	\$ _____
2. _____	\$ _____
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Convert to Unit Price

Contractor's Non-Prepriced Worksheet

Date: 1/27/2016

Re: Job Order 038312.00

Title Flamingo Park New Restroom / Office Facility

SECTION	ITEM	UOM	DESCRIPTION			
26 51 14 00 0003		LS	City of Miami Beach Flamingo Park Restroom/Office Lighting Package			
Install Price:	38,160.00	X	Install Quantity:	1.00	=	Install Total: \$38,160.00
					X	Factor: 1.19
					=	Line Item Total: \$45,303.55

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 _____ (A+B+C) x Non-Prepriced Work Task Adjustment Factor

***Material Cost Quotes**

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____

For Work Performed By Subcontractors:

- G. _____ Subcontractor Costs**
(Supported by Quotes) (This Should be the Price Entered into PROGEN)
- H. 1.19 _____ Contractor's Non Pre-Priced Adjustment Factor
- I. _____ Total Price for NPP Items being Performed by Subcontractors = G x H

****Subcontractor Cost Quotes**

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____

Convert to Unit Price



Contractor's Non-Prepriced Worksheet

Date: 1/27/2016

Re: Job Order 038312.00

Title Flamingo Park New Restroom / Office Facility

SECTION	ITEM	UOM	DESCRIPTION			
26 51 14 00 0003		LS	City of Miami Beach Flamingo Park Restroom/Office Lighting Package			
Install Price:	38,160.00	X	Install Quantity:	1.00	=	Install Total: \$38,160.00
					X	Factor: 1.19
					=	Line Item Total: \$45,303.55

For Work Performed with the Contractor's Own Forces:

- A. _____ Direct Labor Costs through Foreman Level
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(Supported by Quotes) (This Should be the Price Entered into PROGEN)
- H. 1.19 _____ Contractor's Non Pre-Priced Adjustment Factor
- I. _____ Total Price for NPP Items being Performed by Subcontractors = G x H

****Subcontractor Cost Quotes**

(Attach quotes from listed suppliers/subcontractors. A Justification Letter must be attached if 3 quotes are not furnished.)

1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____

Convert to Unit Price

Contractor's Non-Prepriced Worksheet

Date: 1/27/2016

Re: Job Order 038312.00

Title Flamingo Park New Restroom / Office Facility

SECTION	ITEM	UOM	DESCRIPTION				
26 51 14 00 0003		LS	City of Miami Beach Flamingo Park Restroom/Office Lighting Package				
Install Price:	38,160.00	X	Install Quantity:	1.00	=	Install Total:	\$38,160.00
					X	Factor:	1.19
					=	Line Item Total:	\$45,303.55

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- A. _____ Direct Labor Costs through Foreman Level
(Current Prevailing Wage Rate + Published Fringe Benefits)
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1. _____	\$ _____
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Convert to Unit Price

Subcontractor Listing

Date Printed: 1/27/2016
Work Order Number: 038312.00
Work Order Title: Flamingo Park New Restroom / Office Facility
Amount: \$800,837.30

Name of Contractor	Duties	Amount	%
No Subcontractors have been selected for this Work Order		\$0.00	0.00

Name: Justen Shiff
Title: President
Firm or Corporate Name: Shiff Construction & Development, Inc.
Address: 1350 NE 56th St -Ste. 100, Suite 212, Fort Lauderdale FL 33334
Telephone Number: 9545242575
Signature: _____ **Date:** _____

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: Members of the City Commission
City Manager Jimmy Morales**

FROM: Raul J. Aguila, City Attorney



DATE: February 10, 2016

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RESPECTFULLY URGING FLORIDA GOVERNOR RICK SCOTT TO JOIN WORLD AND LOCAL LEADERS IN RECOGNIZING THE FINDINGS OF THE WORLD'S SCIENTIFIC COMMUNITY WITH REGARD TO CLIMATE CHANGE AND ITS CURRENT IMPACTS AND FUTURE IMPLICATIONS FOR THE WORLD AND THE STATE OF FLORIDA.

The attached Resolution is sponsored by Commissioner Kristen Rosen Gonzalez and is submitted for consideration by the Mayor and City Commission at the February 10, 2015 City Commission Meeting.

F:\ATTO\TURN\COMMEMO\Climate Change Impact on FL.docx

Agenda Item R7C
Date 2-10-16

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, RESPECTFULLY
URGING FLORIDA GOVERNOR RICK SCOTT TO JOIN
WORLD AND LOCAL LEADERS IN RECOGNIZING THE
FINDINGS OF THE WORLD'S SCIENTIFIC COMMUNITY WITH
REGARD TO CLIMATE CHANGE AND ITS CURRENT
IMPACTS AND FUTURE IMPLICATIONS FOR THE WORLD
AND THE STATE OF FLORIDA.**

WHEREAS, climate change has been the focus of decades of intensive study by scientists worldwide, and has been internationally recognized as one of the earth's most critical problems; and

WHEREAS, in December 2015, representatives from 195 nations around the world approved a landmark agreement in Paris ("Paris Climate Pact") that requires long-term global efforts to address climate change by taking steps to avert and minimize the devastating effects of sea level rise by lowering planet-warming greenhouse gas emissions; and

WHEREAS, according to the U.S. National Oceanic and Atmospheric Administration ("NOAA") and the National Aeronautics and Science Administration ("NASA"), 2015 was the Earth's warmest year since such record-keeping history began in 1880; and

WHEREAS, according to NOAA, NASA, and the U.S. Army Corps of Engineers, sea level rise is projected to increase over time, which could have catastrophic effects on the world's coastal inhabitants; and

WHEREAS, prior to the Paris Climate Pact, the United States took a leadership role in addressing climate change by enacting the country's first climate change policy that strengthened Environmental Protection Agency regulations to reduce greenhouse gas pollution from the nation's coal-fired power plants; and

WHEREAS, the City of Miami Beach has taken the national lead in addressing sea level rise on a local level by investing \$400 million in stormwater infrastructure projects, which include installing new stormwater pump stations, retrofitting outfalls with backflow preventers, and elevating roads to reduce flooding in the City; and

WHEREAS, despite the world-wide recognition of climate change and plans to address it, the State of Florida, while acknowledging sea level rise, has not recognized the devastating impacts facing the State due to the underlying problem of climate change due to global warming; and

WHEREAS, in view of the unique vulnerability of the State of Florida to climate change and sea level rise as the nation's third-most populous state, with two-thirds of its nearly 20 million residents living in coastal communities, and due to Southeast Florida's porous limestone geology, the Mayor and City Commission of the City of Miami Beach respectfully urge Governor Rick Scott to join world and local leaders by recognizing and acknowledging global climate change as an immediate concern to the State and to take actions that will protect the people of Florida from the devastating implications of global warming.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that Florida Governor Rick Scott is hereby respectfully urged to join world and local leaders in recognizing the findings of the world's scientific community with regard to climate change and its current impacts and future implications for the world and the State of Florida.

PASSED and **ADOPTED** this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 2-3-16
City Attorney Date

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Condensed Title:

A resolution reappointing John C. Dellagloria, Esq. to serve as a Special Master for appeals of Historic Preservation Board decisions.

Key Intended Outcome Supported:

Protect Historic Building Stock.

Supporting Data (Surveys, Environmental Scan, etc.): In the 2014 Community Satisfaction Survey, 74% of the residents who had sufficient knowledge about historic preservation gave it positive ratings; and 77% of business owners rated the City of Miami Beach's historic preservation efforts as very or somewhat effective.

Item Summary/Recommendation:

John C. Dellagloria is qualified to serve as a Special Master for appeals of Historic Preservation Board decisions, based upon his experience with the City Code, and in particular with the City's Historic Preservation Code. As a practicing attorney, and former City Attorney for the City of North Miami and South Miami, Mr. Dellagloria is able to review decisions rendered by the Historic Preservation Board.

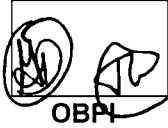
If reappointed, Mr. Dellagloria will be one of two Special Masters hearing appeals of decisions of the City's Historic Preservation Board; the second being Mr. Warren Bittner. It is important for the City to have more than one Historic Preservation Special Master to ensure an unbiased review process.

Based on Mr. Dellagloria's knowledge, skills and attributes, the City Attorney and the City Manager recommend that Mr. Dellagloria be reappointed for a one (1) year term, expiring on March 10, 2017; and setting his compensation at \$150.00 per hour with a maximum payment of \$750.00 per case.

Advisory Board Recommendation:

N/A

Financial Information:



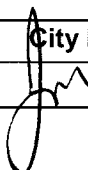
Source of Funds:		Amount	Account
	1	\$150.00/hour maximum \$750 per case.	011-0210-000312
	2		
	3		
	Total	\$3,000	011-0210-000312

Financial Impact Summary: In FY 2015, there were 4 such HPB appeals, and payments of \$500 were made to the Special Master for each decision, for a total of \$2,000.

City Clerk's Office Legislative Tracking:

Rafael E. Granado, City Clerk

Sign-Offs:

Department Director	City Attorney	City Manager
REG 	RJA 	JM 

T:\AGENDA\2016\February\City Clerk\HPB Special Master\Dellagloria Item Summary.doc

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

Raul J. Aguila, City Attorney

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REAPPOINTING JOHN C. DELLAGLORIA, ESQ. TO SERVE AS A SPECIAL MASTER FOR APPEALS OF DECISIONS OF THE CITY'S HISTORIC PRESERVATION BOARD FOR A ONE YEAR PERIOD, ENDING MARCH 10, 2017, AND SETTING THE COMPENSATION AT \$150.00, PER HOUR, WITH A MAXIMUM PAYMENT OF \$750.00, PER CASE.**

ADMINISTRATION RECOMMENDATION

Reappoint Mr. John C. Dellagloria, Esq. to serve as Special Master for appeals of decisions of the City's Historic Preservation Board.

BACKGROUND

City of Miami Beach City Code Section 118-537(b)(1), provides that the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the decisions of the Historic Preservation Board to a Special Master appointed by the City Commission.

Pursuant to Miami Beach City Code Section 118-537(b)(3), the Special Masters appointed to hear such appeals shall be attorneys who are members in good standing with the Florida Bar and have expertise in the area of historic preservation. Special Masters shall serve terms of three years, provided however, that they may be removed without cause upon a majority vote of the City Commission.

On the determination of City Attorney Raul J. Aguila that John C. Dellagloria possesses the knowledge, skills and attributes to perform as a Special Master pursuant City Code Section 118-537(b)(3), and my concurrence with such determination, I am recommending Mr. Dellagloria's reappointment as the Special Master for Appeals of Decision of the City's Historic Preservation Board for an additional term of one year. Mr. Dellagloria began serving in this position on March 12, 2015; and his term ends on March 10, 2016.

Mr. Dellagloria also serves as the General Counsel for the Palm Bay Community Redevelopment Agency; a position he has held since October 2007. Mr. Dellagloria also served as General Counsel to the South Miami Community Redevelopment Agency and to the Miami Beach Housing Authority.

Mr. Dellagloria has vast municipal experience, having served as City Attorney for the City of North Miami from November 1995 to October 2004. Mr. Dellagloria also served as Chief

Deputy City Attorney for the City of Miami Beach, City Attorney for South Miami and Deputy City Attorney for the City of North Miami Beach.

Mr. Dellagloria is a faculty member at the University of Miami School of Business, teaching undergraduate and graduate sections of Business Law and Real Estate Law. In 2004, Mr. Dellagloria received the Excellence in Teaching Award at the University of Miami.

Mr. Dellagloria received his Juris Doctorate from the University of Miami School of Law in 1979; and a Bachelor of Arts in English Literature from the State University of New York at Binghamton in 1976.

Mr. Dellagloria is the recipient of numerous professional awards, and is the co-author, with the Honorable Alan R. Schwartz, Chief Judge of the Third District Court of Appeal, of the 1980 Supplement to Productions Liability in Florida.

A copy of Mr. Dellagloria's curriculum vitae is attached hereto.

If reappointed, Mr. Dellagloria will be one of two Special Masters appointed to hear appeals of decisions of the City's Historic Preservation Board; the second being Mr. Warren Bittner.

CONCLUSION

Mr. Dellagloria is a uniquely qualified individual, based upon his experience with the City Code, and in particular with the City's Historic Preservation Code. As a practicing attorney, and former City of Miami Beach Deputy City Attorney, Mr. Dellagloria is able to review decisions rendered by the Historic Preservation Board.

The City may hire more than one Historic Preservation Special Master, and it is important for the City to have more than one Historic Preservation Special Master to ensure an unbiased review process.

Based on Mr. Dellagloria's knowledge, skills and attributes the City Attorney and I recommend that Mr. Dellagloria be reappointed for a one (1) year term, expiring on March 10, 2017; and setting his compensation at \$150.00 per hour with a maximum payment of \$750.00 per case.

JM/RJA/REG



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JOHN C. DELLAGLORIA

Professional Experience

John C. Dellagloria, P.A.
October 2004 – Present.

Full-Time Lecturer, University of Miami School of Business
January 1982 – December 2011

Faculty for undergraduate and graduate sections of Business Law and Real Estate Law at the University of Miami School Of Business. Recipient of the 2004 Excellence in Teaching Award.

General Counsel, Palm Bay Community Redevelopment Agency	October 2007-May 2011
City Attorney, City of North Miami General Counsel, South Miami Community Redevelopment Agency	November 1995 - October 2004
General Counsel, Miami Beach Housing Authority	October 1999 - February 2002
Chief Deputy City Attorney, City of Miami Beach	January 1997 - July 2000
City Attorney, City of South Miami	March 1990 - February 1996
Deputy City Attorney, City of North Miami Beach	December 1986 - May 1990
Senior Associate, Cassel & Cassel, P.A.	January 1983 - December 1986
Law Clerk, Honorable Alan R. Schwartz	March 1981 - January 1983
Chief Judge, Third District Court of Appeal	February 1980 - March 1981

Education

University of Miami School of Law	J.D., 1979
Recipient: Book Award: Conflict of Laws:	Spring 1978
Book Award: Advanced Criminal Procedure:	Spring 1978
Book Award: Insurance Law:	Summer 1978

State University of New York at Binghamton
B.A. English Literature, 1976

Professional Activities

Co-Author, with the Honorable Alan R. Schwartz, Chief Judge Third District Court of Appeal
Supplement to Products Liability in Florida (1980) (Continuing Legal Education outline series)

AV Martindale Hubble Rating

Alumnus Member, Eugene P. Spellman American Inn of Court

2004, Excellence in Teaching Award, U. of Miami School of Business

2004, 2005 Top Government Lawyer, South Florida Legal Guide

Who's Who in American Law

Who's Who in America

Who's Who in American Education

Lecturer, University of Miami L.L.M. Real Property Program

Lecturer, Florida Bar, Government Law Section

Moderator, Rachlin, Cohen & Holtz, Annual Government Law Symposium

Personal: Married to Marilyn C. Dellagloria; two children, Rebecca and Caitlin.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REAPPOINTING JOHN C. DELLAGLORIA, ESQ. TO SERVE AS A SPECIAL MASTER FOR APPEALS OF DECISIONS OF THE CITY'S HISTORIC PRESERVATION BOARD FOR A ONE YEAR PERIOD, ENDING MARCH 10, 2017 WITH RENEWAL OPTIONS, AND SETTING THE COMPENSATION AT \$150.00, PER HOUR, WITH A MAXIMUM PAYMENT OF \$750.00, PER CASE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach recognize that a process for the review of decisions rendered by the Historic Preservation Board has been established under City of Miami Beach Code, Section 118-537(b)(3); and

WHEREAS, affected parties have the right to seek a review by a Special Master appointed by the City Commission of projects approved by the Historic Preservation Board; and

WHEREAS, John Dellagloria, is a uniquely qualified individual, based upon his experience with the City Code, and in particular, with the City's historic preservation code, and as a practicing attorney, and former City of Miami Beach Chief Deputy City Attorney, is able to review decisions rendered by the Historic Preservation Board; and

WHEREAS, the City has established compensation for the position at a rate of \$150.00, per hour, with a maximum payment of \$750.00, per case; and

WHEREAS, the City may hire more than one historic preservation special master, and it is important for the City to ensure that the City has more than one historic preservation special master to ensure an unbiased review process.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that Mr. John Dellagloria, is hereby reappointed to serve as a Special Master for appeals of decisions of the City's Historic Preservation Board for a one (1) year period, expiring on March 10, 2017 with renewal options and setting his compensation at the base rate of \$150.00, per hour, with a maximum payment of \$750.00, per case.

PASSED AND ADOPTED this 10th day of February 2016.

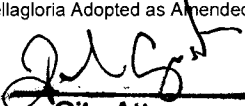
ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

T:\AGENDA\2016\February\City Clerk\HPB Special Master\Resolution on HPB SM John Dellagloria Adopted as Amended 3-11-15.docx



City Attorney

1-22-16

Date

Condensed Title:

A Resolution Of The Mayor And The City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Administration To Submit The Draft 2016 Beachfront Management Plan, Except Exhibit "D", Entitled "Concession Operations Rules & Regulations," Which Is Currently Under Review By The Neighborhood/Community Affairs Committee, To The State Of Florida Department Of Environmental Protection, Division Of State Lands.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The City of Miami Beach leases the property eastward of the erosion control line ("ECL"), commonly known as the City's beaches, from the State of Florida. As part of this lease agreement the City is required to submit a land management plan every 10 years to the State's Department of Environmental Protection, Division of State Lands for review and approval. Pursuant to Florida Statutes and as further detailed in Chapter 18-2 of the Florida Administrative Code, the City's land management plan, entitled the "City of Miami Beach Beachfront Management Plan" ("the Plan"), must outline the property's uses, management activities, and planned projects. As such, the Plan must detail the City's concession operation rules and regulations, beach operations, special event permit requirements, dune management strategy, and other key beach management activities.

The Administration has been working on the Plan's 10-year update since 2014. On August 18, 2015, the Administration held a public meeting during which an ad-hoc advisory group of community stakeholders reviewed an earlier draft of the Plan and provided comments. In accordance with Chapter 259.032, Florida Statutes, members of the ad-hoc advisory group included representatives from the City, Miami-Dade County, the State of Florida, a local conservation organization, and local private property owners, who were appointed by the Mayor and City Commission.

The City's draft 2016 Plan incorporates the comments provided by the ad-hoc advisory committee and complies with all the requirements for state-owned conservation lands over 160 acres. The draft 2016 Plan is therefore ready to be submitted to the Division of State Lands for review and approval, after which it will return to the City Commission for adoption. Note that the draft 2016 Plan does not include Exhibit "D", entitled "Concession Operations Rules & Regulations," given that this exhibit remains under review by the Neighborhood/Community Affairs Committee. The Administration has obtained the consent of the Division of State Lands to submit the draft 2016 Plan to the State, less Exhibit "D", with the understanding that Exhibit "D" will be submitted for the State's review and approval for amendment into the Plan once the document is approved by the City Commission.

The Administration recommends approving the draft 2016 Beachfront Management Plan, except Exhibit D, entitled "Concession Operations Rules & Regulations," which is currently under review by the Neighborhood/Community Affairs Committee, and authorizing its submittal to the Florida Department of Environmental Protection, Division of State Lands for review and approval.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account
1		
OBPI	Total	

City Clerk's Office Legislative Tracking:

Elizabeth Wheaton ext. 6121

Sign-Offs:

Assistant City Manager SMT	City Manager JLM
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T:\AGENDA\2016\February\Environmental\Beachfront Mgmt Plan - SUM.doc

AGENDA ITEM

DATE

R7E

2-10-16



MIAMI BEACH



COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ADMINISTRATION TO SUBMIT THE DRAFT 2016 BEACHFRONT MANAGEMENT PLAN, EXCEPT EXHIBIT "D", ENTITLED "CONCESSION OPERATIONS RULES & REGULATIONS," WHICH IS CURRENTLY UNDER REVIEW BY THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE, TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF STATE LANDS.**

The City of Miami Beach leases the property eastward of the erosion control line ("ECL"), commonly known as the City's beaches, from the State of Florida. As part of this lease agreement the City is required to submit a land management plan every 10 years to the State's Department of Environmental Protection, Division of State Lands for review and approval. Pursuant to Florida Statutes and as further detailed in Chapter 18-2 of the Florida Administrative Code, the City's land management plan, entitled the "City of Miami Beach Beachfront Management Plan" ("the Plan"), must outline the property's uses, management activities, and planned projects. As such, the Plan must detail the City's concession operation rules and regulations, beach operations, special event permit requirements, dune management strategy, and other key beach management activities.

The Administration has been working on the Plan's 10-year update since 2014. On August 18, 2015, the Administration held a public meeting during which an ad-hoc advisory group of community stakeholders reviewed an earlier draft of the Plan and provided comments. In accordance with Chapter 259.032, Florida Statutes, members of the ad-hoc advisory group included representatives from the City, Miami-Dade County, the State of Florida, a local conservation organization, and local private property owners, who were appointed by the Mayor and City Commission.

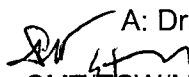
The City's draft 2016 Plan incorporates the comments provided by the ad-hoc advisory committee and complies with all the requirements for state-owned conservation lands over 160 acres. The draft 2016 Plan is therefore ready to be submitted to the Division of State Lands for review and approval, after which it will return to the City Commission for adoption. Note that the draft 2016 Plan does not include Exhibit "D", entitled "Concession Operations Rules & Regulations," given that this exhibit remains under review by the Neighborhood/Community Affairs Committee. The Administration has obtained the consent of the Division of State Lands to submit the draft 2016 Plan to the State, less Exhibit "D", with the understanding that Exhibit "D" will be submitted for the

State's review and approval for amendment into the Plan once the document is approved by the City Commission.

CONCLUSION

The Administration recommends approving the draft 2016 Beachfront Management Plan, except Exhibit D, entitled "Concession Operations Rules & Regulations," which is currently under review by the Neighborhood/Community Affairs Committee, and authorizing its submittal to the Florida Department of Environmental Protection, Division of State Lands for review and approval.

Attachments:

 A: Draft 2016 Beachfront Management Plan
SMT/ESW/MKW

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ADMINISTRATION TO SUBMIT THE DRAFT 2016 BEACHFRONT MANAGEMENT PLAN, EXCEPT EXHIBIT D, ENTITLED "CONCESSION OPERATIONS RULES & REGULATIONS," WHICH IS CURRENTLY UNDER REVIEW BY THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE, TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF STATE LANDS.

WHEREAS, the State of Florida owns all land east of the erosion control line ("ECL"); and

WHEREAS, the City of Miami Beach ("City") leases the property eastward of the ECL from the State of Florida; and

WHEREAS, the lease agreement between the City and the State requires the City to submit an updated land management plan to the State of Florida Department of Environmental Protection, Division of State Lands for review and approval every 10 years; and

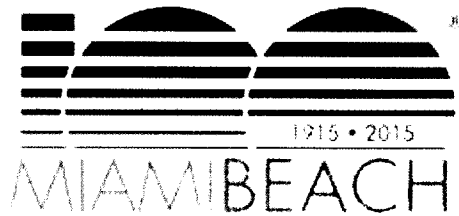
WHEREAS, in accordance with Section 259.032(8), Florida Statutes, the City must develop and adopt, with the approval of the Board of Trustees of the Florida Internal Improvement Trust Fund, an individual management plan for each project (e.g., the City's beaches) designed to conserve and protect such lands and their associated natural resource; and

WHEREAS, pursuant to Florida Statutes and as further detailed in Chapter 18-2 of the Florida Administrative Code, the City's land management plan, also known as the City's Beachfront Management Plan ("the Plan"), must outline the property's uses, management activities, and planned projects; and

WHEREAS, the City's draft 2016 Plan complies with all the requirements for state-owned conservation lands over 160 acres, and may therefore be submitted to the State of Florida Department of Environmental Protection, Division of State Lands, for review and approval; and

WHEREAS, the draft 2016 Plan does not include Exhibit "D," entitled "Concession Operations Rules & Regulations," given that this section of the plan remains under review by the Neighborhood/Community Affairs Committee ("NCAC"); and

WHEREAS, the Administration has obtained the consent of the Florida Department of Environmental Protection, Division of State Lands, to submit the draft 2016 Plan to the State, less Exhibit "D," and amend the Plan at a later date to add Exhibit "D"; and



CITY OF MIAMI BEACH
BEACHFRONT MANAGEMENT PLAN
January 2016

As Amended in _____
(to include _____, Acquisition and Restoration Council recommendations)

Pursuant to: Management Agreement No. 750-0006
(Reassigned Lease No. 3595)

EXHIBITS

- Exhibit A – Beach Management Agreement
- Exhibit B – Property Location and Boundary Map for the City of Miami Beach
- Exhibit C – Atlantic Greenway Network Project Map
- Exhibit D – Concession Operations Rules & Regulations
- Exhibit E – Special Events Permit Requirements and Guidelines
- Exhibit F – Letter of Conformance to City of Miami Beach Comprehensive Plan
- Exhibit G – City of Miami Beach Dune Management Plan
- Exhibit H – Miami-Dade County Sea Turtle Nesting and Relocation Program Information
- Exhibit I – Beachfront Management Plan Advisory Group Meeting Minutes
- Exhibit J – U.S. Department of Agriculture Soil Information Survey Map
- Exhibit K – Florida Natural Areas Inventory Letter for City of Miami Beach
- Exhibit L – Beach Erosion Hot Spots Map
- Exhibit M – City of Miami Beach Rope and Post/Sand Fencing Standard Operating Procedures
- Exhibit N – Mobi-Mat Locations on the Beach
- Exhibit O – Life Guard Stands Map
- Exhibit P – 10-Year Beach Management Budget

EXECUTIVE SUMMARY

The City of Miami Beach is a barrier island community located in southeast Florida between Biscayne Bay and the Atlantic Ocean. The City has flourished by linking the urban environment to its natural capital including parks, natural and man-made waterways, sea grass beds, mangrove shorelines, sand dunes, and over seven miles of white, sandy beaches. The City's beaches are a critical economic, recreational, environmental, storm protection, and erosion control asset for the City of Miami Beach, Miami-Dade County, and the State of Florida. Last year, they attracted approximately 7 million overnight visitors to Miami Beach which spent \$11.4 billion. Additionally, the beaches are the first line of defense in protecting over \$30 billion in taxable property value in Miami Beach against storm surge and sea level rise.

The beaches, which constitute the land east of the erosion control line ("ECL"), were artificially created through nourishment between 1975 and 1980 by the U.S. Army Corps of Engineers and the State's Department of Environmental Protection as part of the Miami-Dade County Beach Erosion Control and Hurricane Protection Project. In 1982, the Board of Trustees of the Florida Internal Improvement Trust Fund ("the TIITF") transferred the management authority of the land eastward of the ECL via a Beach Management Agreement ("BMA") to the City of Miami for use as a public beach area for recreational and other related activities. Through the BMA (Re-assigned Lease No. 3595), the City has managed these lands accordingly for recreational uses, including traditional saltwater beach activities, bicycle and pedestrian trail facilities, beach concessions, water sports, musical concerts and other special events.

Notable milestones that the City has achieved since the adoption of the last beachfront management plan include:

- a. Execution of a citywide dune restoration and enhancement effort that removed non-native, invasive vegetation and replaced it with native species in areas adjacent to existing beachwalk segments;
- b. Creation of a dune management plan with on-going maintenance activities to improve the health and stability of the coastal dune system;
- c. Implementation of a beach and dune educational program with grant funding obtained from the National Oceanic and Atmospheric Administration and the Florida Coastal Management Program grant that included a beach and dune community workshop, the installation of educational signage, and the creation of an educational brochure;
- d. Completion of the construction of the North Beach Recreational Corridor, the first phase of the Beachwalk II project, and additional segments of the Atlantic Corridor that were privately-funded and constructed;
- e. Completion a large-scale beach renourishment project in 2012 and smaller emergency truck haul projects in 2014 and 2015;
- f. Creation of a full-time beach monitor to oversee and regulate beach concession operations more closely, as well as document beach widths on a monthly basis at known erosional hotspots;
- g. Creation of a full-time Beach Maintenance Director position to address cleanliness, maintenance and other beach operations on the beach to improve user experience; and,

- h. Development and implementation of initiatives that improve beach access for individuals with disabilities and other special needs.

The intent of this management plan is to update and enhance the beach's management document to reflect current resource protection, management, planning, and programming needs. It provides a guide for operation, maintenance, and management of the City's beach and dune system to protect existing natural resources and improve public access in accordance with the City's beachfront management agreement with the State. The management plan is composed of seven sections that generally conform to the categories identified in the Land Management Plan Compliance Checklist on the following page. In these sections, the plan details several key management activities necessary to manage the Property as a public beach area for recreational and other related activities, including:

- a. Beach concession operations management and oversight;
- b. Beach patrol and ocean rescue operations;
- c. Litter control and waste management;
- d. Sand sifting and wrack line management;
- e. Maintenance of beach property, including rope and post, lifeguard stands, coastal pathways, signage, etc.;
- f. Erosion control monitoring and management;
- g. Special event management and oversight;
- h. Natural resource management and restoration; and,
- i. Access management, including construction and maintenance of coastal corridors and enhancing access in compliance with the Americans with Disabilities Act ("ADA").

Additionally, within these sections, the plan outlines future needs in erosion control that are critical to protection of the Property, its existing resources, and its intended uses. Based on the review of the previous management plan and the development of this update, the City is committed to continuing and enhancing these management activities in collaboration with its managing partners to protect the Property's intended use for the next 10 years.

Land Management Plan Compliance Checklist			
Required for State-owned conservation lands over 160 acres			
Section A: Acquisition Information Items			
Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
1	The common name of the property.		Pg. 1
2	The land acquisition program, if any, under which the property was acquired.	18-2.018 & 18-2.021	Pg. 1
3	Degree of title interest held by the Board, including reservations and encumbrances such as leases.	18-2.021	Pg. 1
4	The legal description and acreage of the property.	18-2.018 & 18-2.021	Pg. 1
5	A map showing the approximate location and boundaries of the property, and the location of any structures or improvements to the property.	18-2.018 & 18-2.021	Exhibit B & C
6	An assessment as to whether the property, or any portion, should be declared surplus. <i>Provide information regarding assessment and analysis in the plan, and provide corresponding map.</i>	18-2.021	Pg. 2
7	Identification of other parcels of land within or immediately adjacent to the property that should be purchased because they are essential to management of the property. <i>Please clearly indicate parcels on a map.</i>	18-2.021	N/A
8	Identification of adjacent land uses that conflict with the planned use of the property, if any.	18-2.021	N/A
9	A statement of the purpose for which the lands were acquired, the projected use or uses as defined in 253.034 and the statutory authority for such use or uses.	259.032(10)	Pg. 1
10	Proximity of property to other significant State, local or federal land or water resources.	18-2.021	Pg. 2

Section B: Use Items			
Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
11	The designated single use or multiple use management for the property, including use by other managing entities.	18-2.018 & 18-2.021	Pg. 2-7
12	A description of past and existing uses, including any unauthorized uses of the property.	18-2.018 & 18-2.021	Pg. 2-7
13	A description of alternative or multiple uses of the property considered by the lessee and a statement detailing why such uses were not adopted.	18-2.018	Pg. 3
14	A description of the management responsibilities of each entity involved in the property's management and how such responsibilities will be coordinated.	18-2.018	Pg. 6-7
15	Include a provision that requires that the managing agency consult with the Division of Historical Resources, Department of State before taking actions that may adversely affect archeological or historical resources.	18-2.021	Pg. 16
16	Analysis/description of other managing agencies and private land managers, if any, which could facilitate the restoration or management of the land.	18-2.021	Pg. 7
17	A determination of the public uses and public access that would be consistent with the purposes for which the lands were acquired.	259.032(10)	Pg. 7-10

Land Management Plan Compliance Checklist			
18	A finding regarding whether each planned use complies with the 1981 State Lands Management Plan, particularly whether such uses represent "balanced public utilization," specific agency statutory authority and any other legislative or executive directives that constrain the use of such property.	18-2.021	Pg. 7
19	Letter of compliance from the local government stating that the LMP is in compliance with the Local Government Comprehensive Plan.	BOT requirement	Pending
20	An assessment of the impact of planned uses on the renewable and non-renewable resources of the property, including soil and water resources, and a detailed description of the specific actions that will be taken to protect, enhance and conserve these resources and to compensate/mitigate damage caused by such uses, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination.	18-2.018 & 18-2.021	Pg. 7 - 10
21	*For managed areas larger than 1,000 acres, an analysis of the multiple-use potential of the property which shall include the potential of the property to generate revenues to enhance the management of the property provided that no lease, easement, or license for such revenue-generating use shall be entered into if the granting of such lease, easement or license would adversely affect the tax exemption of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, pursuant to Internal Revenue Service regulations.	18-2.021 & 253.036	N/A
22	If the lead managing agency determines that timber resource management is not in conflict with the primary management objectives of the managed area, a component or section, prepared by a qualified professional forester, that assesses the feasibility of managing timber resources pursuant to section 253.036, F.S.	18-021	N/A
23	A statement regarding incompatible use in reference to Ch. 253.034(10).	253.034(10)	N/A

*The following taken from 253.034(10) is not a land management plan requirement; however, it should be considered when developing a land management plan: The following additional uses of conservation lands acquired pursuant to the Florida Forever program and other state-funded conservation land purchase programs shall be authorized, upon a finding by the Board of Trustees, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, storm-water management projects, linear facilities and sustainable agriculture and forestry. Such additional uses are authorized where: (a) Not inconsistent with the management plan for such lands; (b) Compatible with the natural ecosystem and resource values of such lands; (c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands; (d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and (e) The use is consistent with the public interest.

Section C: Public Involvement Items

Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
24	A statement concerning the extent of public involvement and local government participation in the development of the plan, if any.	18-2.021	Pg. 10-11
25	The management prospectus required pursuant to paragraph (9)(d) shall be available to the public for a period of 30 days prior to the public hearing.	259.032(10)	Pg. 10-11

Land Management Plan Compliance Checklist			
26	LMPs and LMP updates for parcels over 160 acres shall be developed with input from an advisory group who must conduct at least one public hearing within the county in which the parcel or project is located. <i>Include the advisory group members and their affiliations, as well as the date and location of the advisory group meeting.</i>	259.032(10)	Pg. 10-11 & Exhibit I
27	Summary of comments and concerns expressed by the advisory group for parcels over 160 acres	18-2.021	Exhibit I
28	During plan development, at least one public hearing shall be held in each affected county. Notice of such public hearing shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing. <i>Include a copy of each County's advertisements and announcements (meeting minutes will suffice to indicate an announcement) in the management plan.</i>	253.034(5) & 259.032(10)	Pg. 10-11 & Exhibit I
29	The manager shall consider the findings and recommendations of the land management review team in finalizing the required 10-year update of its management plan. <i>Include manager's replies to the team's findings and recommendations.</i>	259.036	N/A
30	Summary of comments and concerns expressed by the management review team, if required by Section 259.036, F.S.	18-2.021	N/A
31	If manager is not in agreement with the management review team's findings and recommendations in finalizing the required 10-year update of its management plan, the managing agency should explain why they disagree with the findings or recommendations.	259.036	N/A

Section D: Natural Resources

Item #	Requirement	Statute, Rule	Page Numbers and/or Appendix
32	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding soil types. <i>Use brief descriptions and include USDA maps when available.</i>	18-2.021	Pg. 11-14
33	Insert FNAI based natural community maps when available.	ARC consensus	Exhibit K
34	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding outstanding native landscapes containing relatively unaltered flora, fauna and geological conditions.	18-2.021	Pg. 11-14
35	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding unique natural features and/or resources including but not limited to virgin timber stands, scenic vistas, natural rivers and streams, coral reefs, natural springs, caverns and large sinkholes.	18-2.018 & 18-2.021	Pg. 12
36	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding beaches and dunes.	18-2.021	Pg. 11-14
37	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding mineral resources, such as oil, gas and phosphate, etc.	18-2.018 & 18-2.021	Pg. 13
38	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding fish and wildlife, both game and non-game, and their habitat.	18-2.018 & 18-2.021	Pg. 11-14

Land Management Plan Compliance Checklist			
39	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding State and Federally listed endangered or threatened species and their habitat.	18-2.021	Pg. 12-14
40	The identification or resources on the property that are listed in the Natural Areas Inventory. <i>Include letter from FNAI or consultant where appropriate.</i>	18-2.021	Exhibit K
41	Specific description of how the managing agency plans to identify, locate, protect and preserve or otherwise use fragile, nonrenewable natural and cultural resources.	259.032(10)	Pg. 12-13
42	Habitat Restoration and Improvement	259.032(10) & 253.034(5)	
42-A.	Describe management needs, problems and a desired outcome and the key management activities necessary to achieve the enhancement, protection and preservation of restored habitats and enhance the natural, historical and archeological resources and their values for which the lands were acquired.	↓	Pg. 14-15
42-B.	Provide a detailed description of both short (2-year planning period) and long-term (10-year planning period) management goals, and a priority schedule based on the purposes for which the lands were acquired and include a timeline for completion.		Pg. 14-15
42-C.	The associated measurable objectives to achieve the goals.		Pg. 15-16
42-D.	The related activities that are to be performed to meet the land management objectives and their associated measures. <i>Include fire management plans - they can be in plan body or an appendix.</i>		Pg. 14-15
42-E.	A detailed expense and manpower budget in order to provide a management tool that facilitates development of performance measures, including recommendations for cost-effective methods of accomplishing those activities.		Exhibit P
43	***Quantitative data description of the land regarding an inventory of forest and other natural resources and associated acreage. <i>See footnote.</i>	253.034(5)	Not Applicable
44	Sustainable Forest Management, including implementation of prescribed fire management	18-2.021, 253.034(5) & 259.032(10) ↓	
44-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).		N/A
44-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		N/A
44-C.	Measurable objectives (see requirement for #42-C).		N/A
44-D.	Related activities (see requirement for #42-D).		N/A
44-E.	Budgets (see requirement for #42-E).		N/A
45	Imperiled species, habitat maintenance, enhancement, restoration or population restoration	259.032(10) & 253.034(5)	
45-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).	↓	Pg. 14-15 & Exhibit G
45-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		Pg. 14-15
45-C.	Measurable objectives (see requirement for #42-C).		Pg. 14-15
45-D.	Related activities (see requirement for #42-D).		Pg. 14-15
45-E.	Budgets (see requirement for #42-E).		Exhibit P

Land Management Plan Compliance Checklist			
46	***Quantitative data description of the land regarding an inventory of exotic and invasive plants and associated acreage. <i>See footnote.</i>	253.034(5)	Pg. 16
47	Place the Arthropod Control Plan in an appendix. If one does not exist, provide a statement as to what arrangement exists between the local mosquito control district and the management unit.	BOT requirement via lease language	Pg. 16
48	Exotic and invasive species maintenance and control	259.032(10) & 253.034(5)	
48-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).	↓	Pg. 16 & Exhibit G
48-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		Pg. 16 & Exhibit G
48-C.	Measurable objectives (see requirement for #42-C).		Pg. 16 & Exhibit G
48-D.	Related activities (see requirement for #42-D).		Pg. 16 & Exhibit G
48-E.	Budgets (see requirement for #42-E).		Exhibit P

Section E: Water Resources

Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
49	A statement as to whether the property is within and/or adjacent to an aquatic preserve or a designated area of critical state concern or an area under study for such designation. <i>If yes, provide a list of the appropriate managing agencies that have been notified of the proposed plan.</i>	18-2.018 & 18-2.021	Pg. 16
50	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding water resources, including water classification for each water body and the identification of any such water body that is designated as an Outstanding Florida Water under Rule 62-302.700, F.A.C.	18-2.021	Pg. 16
51	Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding swamps, marshes and other wetlands.	18-2.021	Pg. 16
52	***Quantitative description of the land regarding an inventory of hydrological features and associated acreage. <i>See footnote.</i>	253.034(5)	N/A
53	Hydrological Preservation and Restoration	259.032(10) & 253.034(5)	
53-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).	↓	N/A
53-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		N/A
53-C.	Measurable objectives (see requirement for #42-C).		N/A
53-D.	Related activities (see requirement for #42-D).		N/A
53-E.	Budgets (see requirement for #42-E).		N/A

Section F: Historical, Archeological and Cultural Resources

Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
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Land Management Plan Compliance Checklist			
54	**Location and description of known and reasonably identifiable renewable and non-renewable resources of the property regarding archeological and historical resources. <i>Include maps of all cultural resources except Native American sites, unless such sites are major points of interest that are open to public visitation.</i>	18-2.018, 18-2.021 & per DHR's request	Pg. 16
55	***Quantitative data description of the land regarding an inventory of significant land, cultural or historical features and associated acreage.	253.034(5)	N/A
56	A description of actions the agency plans to take to locate and identify unknown resources such as surveys of unknown archeological and historical resources.	18-2.021	N/A
57	Cultural and Historical Resources	259.032(10) & 253.034(5)	
57-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).	↓	N/A
57-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		N/A
57-C.	Measurable objectives (see requirement for #42-C).		N/A
57-D.	Related activities (see requirement for #42-D).		N/A
57-E.	Budgets (see requirement for #42-E).		N/A

**While maps of Native American sites should not be included in the body of the management plan, the DSL urges each managing agency to provide such information to the Division of Historical Resources for inclusion in their proprietary database. This information should be available for access to new managers to assist them in developing, implementing and coordinating their management activities.

Section G: Facilities (Infrastructure, Access & Recreation)			
Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
58	***Quantitative data description of the land regarding an inventory of infrastructure and associated acreage. <i>See footnote.</i>	253.034(5)	Pg. 17-19
59	Capital Facilities and Infrastructure	259.032(10) & 253.034(5)	
59-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).	↓	Pg. 17
59-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		Pg. 17
59-C.	Measurable objectives (see requirement for #42-C).		Pg. 17
59-D.	Related activities (see requirement for #42-D).		Pg. 17
59-E.	Budgets (see requirement for #42-E).		Exhibit P
60	*** Quantitative data description of the land regarding an inventory of recreational facilities and associated acreage.	253.034(5)	Pg. 18-19
61	Public Access and Recreational Opportunities	259.032(10) & 253.034(5)	
61-A.	Management needs, problems and a desired outcome (see requirement for # 42-A).	↓	Pg. 18-19
61-B.	Detailed description of both short and long-term management goals (see requirement for # 42-B).		Pg. 18-19
61-C.	Measurable objectives (see requirement for #42-C).		Pg. 18-19
61-D.	Related activities (see requirement for #42-D).		Pg. 18-19
61-E.	Budgets (see requirement for #42-E).		Pg. 19 & Exhibit P

Section H: Other/ Managing Agency Tools

Item #	Requirement	Statute/Rule	Page Numbers and/or Appendix
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Section A: Acquisition Information Items

2. Common name of the Property:

Public sandy beach area adjacent to the City of Miami Beach, east of the ECL, from Government Cut Inlet north to 87th Terrace.

3. Ownership and management authority of the Property:

The Property was not acquired under a land acquisition program. Its management authority was transferred via a BMA by the TIITF for recreational and other related activities (**Exhibit A**).

Pursuant to Management Agreement No. 750-0006 (Reassigned Lease No. 3595), ownership of the Property is retained by the State of Florida, but the subject lands are managed by the City as a public beach area.

4. Purpose of Management Authority Transfer:

Per the BMA between the City of Miami Beach and the TIITF, the City requested the management authority of the Property for recreational and other related activities. The management responsibilities provided for in the agreement also include the construction and maintenance or supervision of the construction and maintenance of landscaping improvements; the construction and maintenance of the construction and maintenance of public amenities such as lighting, boardwalks, pedestrian and bicycle courses, seating appointments and other like structures; the prohibition of motorized vehicle access to the beach except at certain specific locations approved by the Florida Department of Environmental Protection ("FDEP", formerly known as the Department of Natural Resources) and the City; and, the limitation and control of land and water-related activities such as boating, bathing, surfing, rental of beach equipment, and sale of goods and services of the public. The original agreement and renewal amendment are attached (**Exhibit A**).

5. Legal description of the Property:

The Property consists of those lands lying east of the ECL between Government Cut Inlet on the South and the northern boundary of the City of Miami Beach at 87th Terrace.

The Property includes approximately 20 additional acres of beachfront property, adjacent to the North Shore Open Space Park, which is located east of Collins Avenue, between 79th Street and 87th Terrace. At the inception of the BMA in 1982, this area was not included in the City's authorized management area. At that time, the State owned and operated North Shore Open Space Park.

Pursuant to a subsequent request from the State, the City relinquished management authority over the area adjacent to the park, pursuant to City Commission Resolution No. 89-195887 in April 1989. In 1995 the City acquired the title to the park property from the State and now operates the area as a City park. Since the operational control of North Shore Open Space Park was transferred from the State to the City, the description of the Property managed pursuant to the BMA has been amended to

reflect a corresponding transfer of management authority over the beachfront area adjacent to the park.

6. Size of the Property:

The total acreage of State land managed by the City under the Agreement is approximately 220 acres consisting of approximately 7.1 miles of white, sandy beaches that vary from 0 to more than 200 feet in width depending on the season. A map showing the location and boundaries of the Property, including existing and proposed improvements is made a part hereof and attached hereto as **Exhibit B**.

The Property is a critical economic, recreational, environmental, and hurricane and erosion control asset for the City of Miami Beach, Miami-Dade County, and the State of Florida. The beaches in Miami Beach attract approximately 7 million overnight visitors last year which spent \$11.4 billion. Additionally, the beaches provide much needed protection against storm surge and the impacts of climate change. They are the first line of defense in protecting over \$30 billion in taxable property value in Miami Beach. As such, no part shall be declared surplus.

7. Significant State, local or federal land or water resources in the vicinity of the Property:

The Property consists entirely of artificially created or nourished beaches that were constructed between 1975 and 1980 by the U.S. Army Corps of Engineers ("USACE") and FDEP as part of the Miami-Dade County Beach Erosion Control and Hurricane Protection Project. The project fortified the beaches using offshore sand with the goal of providing erosion control and storm protection to upland properties. No archaeological or historic sites or resources have been recorded within the subject property and the Florida Department of State Division of Historical Resources has determined that there is a low probability of significant, unrecorded sites being located within its limits. If any such resources are discovered within the Property, they will be managed in accordance with the State's Management Procedures for Archaeological and Historic Sites and Properties on State-Owned or Controlled Lands.

The Property lies adjacent to the Atlantic Ocean, extending approximately 7.1 miles from the Government Cut Inlet north to 87th Terrace. The City of Miami Beach owns numerous parks and public access areas adjacent to the Property, including North Shore Open Space Park (27 acres), Lummus Park (26 acres) and South Pointe Park (17.5 acres).

Additionally, the Biscayne Bay Aquatic Preserve lies about one mile to the west, Everglades National Park lies approximately 56 miles southwest, and Biscayne National Park lies approximately 50 miles south of the Property. The Property subject to this management agreement does not share a direct boundary with any of these resources.

Section 30.30 Items

8. Designated management use for the Property:

The City has managed and will continue to manage the Property as a public beach area for recreational uses, including bicycle and pedestrian trail facilities; beach concessions, including water sports and other traditional saltwater beach activities;

and, musical concerts and other special events as detailed below. Due to the economic importance of this use to the City, the County, and the State, no alternative uses have been considered for the Property by the City.

Bicycle and pedestrian trail facilities:

- 1) *Background:* Through the development of the Atlantic Greenway Network (the "Network"), the City of Miami Beach is creating a regional alternative transportation network which will interconnect key intermodal centers, area business districts, cultural/tourism centers, residential neighborhoods, parking facilities, parks, schools and the beaches (**Exhibit C**). The Network is comprised of a citywide system of bicycle and pedestrian accessways, enhanced public transit facilities, the development of an intermodal center and innovative regional parking improvement programs.
- 2) *Purpose:* The system of bicycle and pedestrian trails provides continuous, multi-purpose public access corridors throughout the City. The access corridors are being developed as Greenways or linear parks which wind their way along the City's beaches, waterways and natural ecosystems with connections to residential areas, resort areas, business districts, civic centers, transit sites and parking facilities. Rest areas, vista areas, waterway access facilities, and interpretive signage are interspersed throughout the greenways to provide enhanced cultural and historical and ecotourism amenities and recreational opportunities for trail users. The connections between the trails, parks and beach access areas enhance public access to the beaches and encourage greater park-beach cross utilization. Seven regional parking facilities, as well as regional transit facilities will also be connected to the trail to help improve recreational access for residents and visitors.

The Network will also significantly enhance recreational facility access and provide an excellent alternative transportation network for persons with disabilities. All areas of the corridor network, as well as all of its connections to the existing streets, sidewalks, parks and parking facilities, will all be developed in full compliance with ADA guidelines.

- 3) *The Atlantic Corridor:* The Atlantic Corridor is the coastal corridor portion of the Network that is currently under development along the City's beachfront area, adjacent to and within the subject property. These beachfront trails are designed as on-grade paved pathways along the dunes, with native landscaping, shade canopy areas, and turtle-friendly lighting. Rest and vista areas are interspersed along the trails to provide enhanced amenities for trail users. The native dune and coastal hammock ecosystems, which exist adjacent to the trail, are restored and enhanced throughout the project area during the construction phase of each project. The meandering trails through these restored natural areas provide an "outdoor classroom" that is highly conducive to the exploration and understanding of the barrier island ecosystems indigenous to Miami Beach.

Once completed, the Atlantic Corridor, also known as the Beachwalk Projects, will connect the southern tip of Miami Beach at Government Cut Inlet to the City's northern boundary at 87th Street (**Exhibit C**). These projects vary slightly

depending on site-specific conditions but consist of a shared scope of work: 1) removal of dune vegetation, fences and portions of dune walk-overs; 2) grading and filling of trail area; 3) installation of a new paverstone walkway; 4) installation of a new turtle-friendly lighting system; and, 5) installation of native landscaping. The beachwalk segments that have been completed to date run from Government Cut to 3rd Street, from 5th Street to 23rd Street, and from 64th Street to 79th Street. The remaining segments, except for those along the boardwalk, are currently in the design phase and are anticipated to complete construction in the next five years. The boardwalk segment was recently approved by the City Commission for removal and replacement with a beachwalk. Design is anticipated to begin in FY 2016/17.

- 4) *Permitting:* The Beachwalk Projects are all located east of the Coastal Construction Control Line ("the CCCL"). As such, each project must receive a CCCL permit from FDEP's Division of Beaches and Coastal Systems before it can begin construction.
- 5) *Status:* Since the submission of the 2005 iteration of the Beachfront Management Plan, the City has made significant progress with the development of an ADA-accessible bicycle and pedestrian trail system along the eastern Miami Beach coast, a management area identified in the BMA. The City has substantially invested in the development of the Atlantic Corridor including the acquisition of more than \$50 million in project funding to date. The City anticipates about \$30 million will be invested for the pending beachwalk projects as detailed in the 10-Year Budget Projection (Exhibit P).

Beach concessions:

- 1) *Types:* The City issues three types of permits for beachfront concessions, as follows:
 - a. **Food and non-alcoholic beverages:** Cooking and heating is only permitted in five grandfathered food trailers.
 - b. **Beach equipment rentals:** Permitted beach equipment includes lounge chairs, umbrellas, sun canopies, beach beds, side tables, snorkeling equipment, personal floatation devices, and other miscellaneous beach equipment.
 - c. **Watersports equipment rentals:** Permitted watersports equipment includes kayaks, jet skis, banana boats, and parasailing for concessions that have an existing permitted watersport concession water channel granting safe access from the beach to the open water. The following table lists the access point, location, status, and operator of the watersport concession channels permitted as of January 2015:

City of Miami Beach Watersport Concession Water Channels (As of January 2015)		
<i>Location</i>	<i>Status</i>	<i>Operator</i>
9 th Street/Lummus	Active	Boucher Brothers

16 th Street/Loews	Active	Boucher Brothers
20 th Street/Setai	Active	Beach Resort Services
22 nd Street/W Hotel	Active	Boucher Brothers
43 rd Street/Four Points Sheraton	Active	Beachsports Shawnee
44 th Street/Fontainebleau	Active	Boucher Brothers
45 th Street/Eden Roc	Active	Boucher Brothers
48 th Street/Miami Beach Resort & Spa	Active	Boucher Brothers
52 nd Street/Alexander	Active	Playtime Water Sports, Inc.
87 th Street/Howard Johnson	Inactive	N/A

- 2) *Rules and Regulations:* The City permits and oversees beach concession operations adjacent to private and public upland properties as approved by the FDEP's Division of Beaches and Coastal Systems and pursuant to the City's Concession Operations Rules & Regulations (**Exhibit D**). It must be noted that this document is currently under review by the City's Neighborhood/Community Affairs Committee and will be submitted for the State's review and approval for amendment into this plan once the document is approved by the City Commission. Public concessions are governed by the provisions and requirements of their individual contracts with the City.
- 3) *Permits and Fees – Private Concessions:* Last Fiscal Year the City issued 66 private beachfront concession permits. Of these, there were 52 commercial permits and 14 non-commercial permits. The City collected approximately \$305,000 in fees from the issued commercial permits. The City does not charge fees for the non-commercial permits.
- 4) *Permits and Fees – Public Concessions:* The City also collects fees generated from three public concession contracts based on a percentage of gross sales. Last Fiscal Year the City collected approximately \$1.2 million from these contracts combined.

Special events:

- 1) *Types and Locations:* The City of Miami Beach hosts numerous and varied special events each year. Past special event permits have been issued for festivals, concerts, athletic events (runs, triathlons, volleyball tournaments, etc.), and corporate events (dinners and parties). Notable annual events seaward of the dune include the South Beach Wine & Food Festival, the Miami Beach Polo World Cup, Art Basel and related satellite fairs, White Party, Winter Party, the Dolphins Cycling Challenge, the South Beach Triathlon and the occasional corporate dinner associated with hotel or Convention Center business. Recent new requests have included the Longines Global Championship Equestrian Tour and Mercedes Benz Swimwear Fashion event, as well as the City's Centennial Celebration. Generally, these special events are held at Lummus Park (between 5th Street and 14th Place) or at 21st Street, but they are occasionally held in other areas of the beach, including Mid Beach at 46th Street, North Beach at 73rd Street, and North Shore Open Space Park (between 79th and 85th Streets), as well as east of popular hotels.

- 2) *Approvals*: The City may issue special event approvals via an Area Wide Permit, field permits, or other similar permits received from FDEP's Division of Beaches and Coastal Systems. Area Wide Permits give the City the authority to approve special events locally as long as the event is in compliance with FDEP regulations. If a special event requires a variance to FDEP regulations and/or if additional approvals are required, the City provides additional information FDEP for their review and final decision, which may be subject to additional restrictions. More commonly, when an Area Wide permit is not in effect, the City submits special events proposed east of the CCCL to FDEP's Division of Beaches and Coastal Systems for review and approval as part of the CCCL or field permitting process. Under both conditions, the City schedules regular meetings with local State officials to maintain open communication regarding special event permit approvals.
 - 3) *Permitting process*: **Exhibit E** details the application requirements and deadlines of the special event permitting process. All special event permit applications, whether they are or are not requesting permission to use the Property, are received and reviewed on a first-come, first-serve basis. Last Fiscal Year, the City issued 267 special event permits.
 - 4) *Fees*: Last Fiscal Year the City collected just under \$1.5 million in special event permit fees, not including the 7% State sales tax and the 25% remitted to the State pursuant to the BMA.
9. Description of the management responsibilities associated with the Property:

City of Miami Beach

The City of Miami Beach is the lead managing agency for the Property and is responsible for reviewing, approving, and overseeing the compliance of beach concession operations, special events, and other permitted activities that take place on the Property. The City is also responsible for repairing and maintaining beach equipment installed by the City, including dune rope and post, sand fencing, lifeguard stands, signage, swim ropes, and other similar items.

Miami-Dade County

Miami-Dade County provides support with beach maintenance and is responsible for daily sand sifting, litter clean-up on the beach and in dunes, waste management, and other similar maintenance activities on the Property. As an exception, the City's Sanitation Division is responsible for waste management on the west end of beach entrances and for the cleanliness of the dunes in areas adjacent to completed beachwalk projects. Miami-Dade County's beach operation responsibilities also include turning the seaweed accumulated along the wrack line back into the sand on a regular basis with a blade truck. On instances of higher than normal seaweed accumulation as seen usually in the summer months, this responsibility may also include removal of seaweed from the wrack line where the City determines that the wrack line impedes the public's access to and enjoyment of the Property.

The Division of Environmental Resources Management (“DERM”) of Miami-Dade County’s Department of Regulatory of Economic Resources works with the USACE and the City to periodically renourish the Miami-Dade County Beach Erosion Control and Hurricane Protection Project area beaches and has historically funded these projects through a cost-share comprised of 50% Federal funds, 25% State funds and 25% Miami-Dade County funds.

State of Florida

Pursuant to Rule 16B-33, FDEP’s Division of Beaches and Coastal Systems is responsible for permitting all temporary and permanent construction on the Property, including construction of the beachwalk projects, restoration of the dune system, placement or movement of sand east of the CCCL, and other similar activities. They are also responsible for reviewing and approving special events that require a variance to FDEP regulations and/or require additional approvals under an Area Wide Permit or that require approval when an Area Wide Permit is not in effect.

10. Analysis of the potential use of other land managers, including private managers:

The City, in collaboration with the County, the State, and the Federal governments, is best suited as the sole manager of the Property because it understands the needs of the Property’s various stakeholders and has, over its time as the sole managing agency, developed a process for properly balancing these stakeholder needs. As such, the City has determined that the use of other land managers, particularly private land managers who may have special interests, would not be beneficial to facilitate the restoration or management of the Property.

11. Determination of public uses and public access consistent with the acquisition requirements of the Property:

The City obtained management authority over the Property to continue, promote and enhance public access, as well as its use as a public beach area. The City currently maintains approximately 150 public beach accesses and has beach regulations in place to promote a “balanced public utilization”. These uses are consistent with the requirements set forth in the 1981 State Lands Management Plan and other legislative and executive directives that constrain the use of the Property.

The City’s Planning Department has reviewed the proposed management plan and has issued a letter stating that the use of the Property is in compliance with the City of Miami Beach Comprehensive Plan (**Exhibit F**). Additionally, the City has reviewed the planned uses of the Property and has determined that they will have minimal impact on the renewable and non-renewable resources of the Property. Specific management actions that have or will be taken to protect, enhance and conserve these resources and to mitigate damage caused by such uses includes:

- 1) Continued development of the Atlantic Greenway Network projects. According to the State of Florida’s published Greenways and Trails Plan entitled *Connecting Florida’s Communities with Greenways and Trails*, greenways and trails can provide significant ecological, economic and social benefits for Florida. “By helping to conserve linked native ecosystems and landscapes, greenways can be an

important component of a statewide, regional or local conservation strategy.” The Network is an important element of City’s local conservation strategy. Through the development of the system of bicycle and pedestrian access trails along the entire length of Miami Beach, the City will direct public access along and across the sand dunes through controlled access points and will protect this fragile, native ecosystem.

- 2) Continued restoration and enhancement of the City’s dune system. In the mid-1980s, through the acquisition of a state grant, FDEP and Miami Dade County rebuilt the levee constructed by the Miami-Dade County Beach Erosion Control and Hurricane Protection Project and fortified it with dune vegetation. The project created a 20 feet to 50 feet wide dune at elevations between 8 feet and 11 feet National Geodetic Vertical Datum (“NGVD”). Over time, the dune has grown naturally between 50 feet and 100 feet wide and between 7 feet to 19 feet NGVD. However, due to minimal maintenance, the system also became overgrown with non-native, invasive vegetation.

In FY 2013/14, the City allocated a total of \$300,000 in Quality of Life funds for a citywide Dune Restoration and Enhancement Program. Under the program, the City’s North, Middle and South Beach districts were allocated approximately \$100,000 each for dune restoration efforts, including the removal of non-native, invasive plant species such as *Scaevola taccada* and *Casuarina equisetifolia*; the replanting of cleared areas with native species; the selective trimming of native vegetation; the demolition of remaining wooden dune crossovers; the replacement of protective fencing adjacent to the dunes; and, the installation of educational signage. These dune restoration activities were conducted under CCCL program field permits and in accordance with the City’s dune management plan (**Exhibit G**). Once restored, the dune areas are placed on on-going maintenance as detailed in the dune management plan.

- 3) Continued renourishment of the City’s beaches. In the mid-1970s, the USACE and Miami-Dade County entered into a 50-year contract for the joint management of the County’s sandy beaches leading to the Miami-Dade County Beach Erosion Control and Hurricane Protection Project in the late 1970s. The nourished beach was a tremendous success and contributed significantly to the resurgence of the local economy. Not only has it provided critical storm protection and erosion control as designed, but it has also provided environmental, recreational and economic benefits to the City, the region, and the State.

Historically, the USACE and Miami-Dade County have re-nourished the City’s beaches by pumping or hydraulically dredging from deposits of sand about a mile off our coast. However, the re-nourished beaches are subjected to the same erosional forces that depleted the original beaches and have therefore had to be continuously re-nourished since 1980. The original beach construction and the subsequent renourishment projects exhausted the offshore deposits of sand which have traditionally been the source for renourishment projects until 2012.

Faced with a continuing need to maintain our beaches and an exhausted supply of

sand, the City continues to work closely with Miami-Dade County and the USACE to develop long-term solutions to the beach erosion problem. One such effort is the USACE's Sediment Assessment Needs Determination ("SAND") study which evaluated the area's sand needs and the available sand sources that can meet those needs. Per the results of the SAND Study's volume assessment, the USACE estimates that beaches in Miami-Dade County will need approximately 23.2 million cubic yards of sand to support the area's renourishment projects for the next 50 years. As part of this report, the USACE provided a list of potentially viable domestic sand sources. The next renourishment project scheduled for 2016 will utilize inland sources of sand.

The City is working with Miami-Dade County to explore sustainable sand options that can be used for future emergency and non-emergency beach renourishment projects. One option that has been discussed is the use of excess beach-compatible material from upland properties that are under construction. The City is in the process of developing an ordinance, in coordination with Miami-Dade County, that will ensure any sand that is approved for placement east of the ECL is not only beach compatible, but also free of debris, pollutants, and other potential hazards. Once accepted by the City, the sand will also require approval from FDEP's Division of Beaches and Coastal Systems. Another potential option for hotspot areas, including the vicinity of 46 Street, 53 Street, 64 Street, 69 Street and 87 Street, is for the County to purchase sand from non-domestic sources such as the Bahamas and cost share this expense with the City and private beachfront properties. At this time, the USACE is not considering non-domestic borrow sources because the Water Resources Development Act of 1987 and the Energy and Appropriations Bill ("H8842") of 1999 prevents the acquisition of foreign sources of sand for Federally-funded projects.

Another collaborative effort between these agencies involves the search for new technologies which will slow down or stop the beach erosion process, thereby reducing the demand for replacement sand. These efforts have been on-going since the mid-1990s when Miami-Dade County commissioned studies to examine the regional coastal sand resources and address concerns over beach erosion identified at several erosional hotspots. One hotspot in particular on 32nd Street exhibited the highest shoreline recession rates in the county. It was found to be responsible for the loss of more than 120,000 cubic yards of sand each year and in turn was accelerating the erosion of the beach for as much as a mile to the north. Analysis of the study data indicated breakwater-type structures could be designed, which would significantly reduce the rate of erosion within these hot spot areas and help stabilize large sections of our beach.

The City, in collaboration with the County and State, designed a series of three breakwater structures to redirect wave energies to eliminate the hot spot. The breakwater structures were built from intermeshed native coral rock boulders and ballast rock. The area between the former waterline and the new breakwaters was filled with 125,000 cubic yards of sand that was brought up from Lummus Park. It should be noted that since the breakwater installation in 2001 there has been a substantial erosion of sand south of the structures with a corresponding increase in

sand volume to the north. Additionally, the area south of the breakwater experiences higher than normal accumulation of seaweed, especially during periods of high wind and tidal activity.

The 32nd Street breakwater project was the first phase in a larger effort to reduce erosion rates Citywide. The City continues to work with the USACE and Miami-Dade County to identify, fund, and implement similar projects in other identified erosional hotspots. Most recently, the USACE designed a breakwater project using reef balls at 64th Street that cannot move forward because it is pending authorization from the USACE headquarters.

In July 2015, the Mayor of Miami Beach joined forces with other coastal mayors in Miami-Dade County to request that the County allocate sufficient funding and resources toward combating local beach erosion issues. Solutions that were mentioned by the Mayor Beach Alliance in their letter to the County Mayor include the implementation of continued renourishment projects, as well as the identification and implementation of long-term solutions such as breakwater structures.

- 4) Continued environmental education and outreach. The City educates the community through various mediums on the native flora and fauna and provides best practices through which residents and visitors can help the City protect these resources. These mediums include the City's local television channel MBTV, MB Magazine, social media, educational signage along the Atlantic Corridor, and educational brochures.
- 5) Continued support of Miami-Dade County's Sea Turtle Conservation Program. The City of Miami Beach makes a concerted effort to protect the sea turtles that nest on our beaches, including their nests and hatchlings, by supporting and working collaboratively with Miami-Dade County's Sea Turtle Conservation Program. As part of this program, the County conducts daily inspections throughout the beachfront area in Miami-Dade County from Key Biscayne to Golden Beach. During nesting season, County staff identifies, monitors, and protects sea turtle nests before allowing beach operations and activities to begin for the day. All identified sea turtle nests within Miami Beach are marked and surrounded by customized caution tape, signaling to the public to stay at least 10 feet away. The majority of nests remain *in situ* but, at the discretion of experts from Miami-Dade County, nests considered to be in danger from inundation are carefully relocated within the first 24 hours to nearby Haulover Beach Park, a Miami-Dade Heritage Park. Relocated nests are closely monitored throughout the incubation period and are inventoried after hatching. In addition to these responsibilities, County staff also keeps records of disorientations and other sea turtle related incidents for the area **(Exhibit H)**.

Chapter 46 of the City Code augments the efforts of the Sea Turtle Conservation Program by reducing the impacts of artificial coastal lighting on the sea turtles that nest on our beaches. The provisions of the City's ordinance restrict artificial lighting and other activities that have the potential to disorient hatchlings, causing them to

crawl toward land rather than toward the ocean. The City reviews all plans for construction proposed east of the CCCL for proof of FDEP and Florida Fish and Wildlife Conservation Commission ("FWC") review and approval.

- 6) Continued beach maintenance program. Beach maintenance throughout the subject property is performed by the Miami-Dade County Beach Operations. The County's beach cleaning and maintenance services are performed in accordance with the Beach Cleaning Operations Permit approved by FDEP and FWC. The cleanliness of the beach is measured using the City's Public Area Cleanliness Index, through which beach cleanliness is given a Quarterly and Yearly score used to direct County efforts toward improving their maintenance functions and making the beach area cleaner. Daily, Miami-Dade County sifts the beach, deploys litter crews, and turns in or remove seaweed from the wrack line as needed to protect the public's access and enjoyment of the Property. Beach maintenance best management practices do not allow for private sifting or regular removal of seaweed. On instances of higher than normal seaweed accumulation as seen usually in the summer months, this responsibility may also include removal of seaweed from the wrack line where the City determines that the wrack line impedes the public's access to and enjoyment of the Property.

Section C: Public Involvement Items

12. Public involvement and local government participation:

This updated Beachfront Management Plan was prepared with the assistance of and input from City's Marine and Waterfront Protection Authority Board, local beach and dune experts, staff from Miami-Dade County's Beach Renourishment and Beach Operations programs, staff from FDEP's Division of Beaches and Coastal Systems, and staff from the City of Miami Beach Environment and Sustainability Division, Tourism, Cultural and Economic Development Department, and Planning Department. The elements incorporated herein were also considered and approved by the Mayor and City Commission of the City of Miami Beach at regularly scheduled public meetings. Additionally, and in accordance with Florida Statutes, input was received and considered by an ad-hoc advisory group comprised of community stakeholders who reviewed the proposed plan and provided input for same. Per Section 259.032, Florida Statutes, members of the ad-hoc advisory group included the following representatives appointed by the Mayor and City Commission:

- Representing the City of Miami Beach, the lead managing agency:
Max Sklar, Tourism Cultural and Economic Development Director
Elizabeth Wheaton, Assistant Building Director, Environment and Sustainability Division
Vincent Canosa, Ocean Rescue Division Chief
- Representing a local elected official:
Commissioner Michael Grieco
- Representing Miami-Dade County, a co-managing agency:
Sean Leather, Miami-Dade County Beach Operations

Lisa Spadafina, Miami-Dade County Division of Environmental Resources Management

- Representing the State, a co-managing agency:
Christian Lambright, Coastal Construction Control Line Program
- Representing the Local Private Property Owners:
Steve Vincenti, City of Miami Beach Sustainability Committee Member
Captain Dan Kipnis, City of Miami Beach Marine and Waterfront Protection Authority Chairman
Steven Boucher, Boucher Brothers Concessions
- Representing a local conservation organization:
Greg Guannel, The Nature Conservancy

The ad-hoc advisory group met and held a public hearing on Tuesday, August 18, 2015 at 9 a.m. in the City Manager's Large Conference Room at 1700 Convention Center Drive, Miami Beach, Florida 33139. As required by paragraph (9)(d), the management prospectus was available for review in the City Clerk's Office for a period of 30 days prior to the public hearing. The public meeting of the ad-hoc advisory group was noticed through the following means:

- 1) Posted on signs appended to every lifeguard stand within the Property;
- 2) Advertised in the Miami Herald, Beach Neighbors Section on July 18, 2015; and,
- 3) Announced at the July 8, 2015 Miami Beach City Commission meeting.

Summary minutes of the ad-hoc advisory group's August 18, 2015 public meeting, including the comments and concerns received during the public and local government involvement process, are attached hereto as **Exhibit I**.

Section D: Natural Resources

13. Identifiable renewable and non-renewable resources of the Property:

The Property provides a public recreational use, storm protection, erosion control, and ecological habitat. City staff works collaboratively with local and regional partners to regularly monitor, maintain, and enhance the Property, as well as the following renewable and non-renewable resources located therein:

Soil:

The subject property is located along the eastern (seaward) shore of a coastal barrier island. The soils consist of a veneer of unconsolidated, medium-grained, light gray to golden brown sand (90% carbonate shell and limestone fragments, 10% quartz) 40 to 60 feet thick, over-laying an oolitic limestone formation that extends to a depth of approximately 150 feet below the surface. Due to the long shore currents and natural erosion, the sand located within the subject property is non-renewable. **Exhibit J** includes the U.S. Department of Agriculture soil information survey for the management area.

Florida Natural Areas Inventory:

Exhibit K shows the FNAI-based natural community maps for the management area. Per the letter provided by the FNAI, there are no resources identified on the Property.

Outstanding native landscapes:

Native vegetation located within the Property is limited to the native dune species planted on the storm protection berm along the western boundary of the beach and include sea oats, sea grapes, railroad vine, saw palmetto and other species listed in the City's Dune Management Plan (**Exhibit G**). The City works closely with conservation organizations, such as The Nature Conservancy, Fairchild Tropical Botanic Gardens, and the Institute for Regional Conservation, as well as the consultants retained for the coastal corridor projects to survey the dune areas and identify opportunities to improve the health and prevalence of native vegetation, particularly listed species.

Unique natural features:

No unique natural features have been recorded within the Property.

Beach and dune system:

Nourished beaches composed of beach compatible fill as defined by 161.053 F.S., are present throughout the subject property. A storm protection berm or dune planted with native vegetation occurs along the western boundary of the Property and is protected by sand fencing and rope and post. The beaches and dunes are subject to erosive forces that contribute to the constant need for renourishment. The City monitors the width of the beaches, particularly in "hot spot" areas which see a higher rate of erosion than other locations, on a monthly basis. The City's known hot spots are shown in **Exhibit L**.

Mineral resources (i.e., oil, gas, phosphate):

No mineral resources such as oil, gas and phosphate have been recorded within the subject property.

Fish and wildlife:

Within the Property, the beach and dune habitat supports diverse assemblages of local and migratory birds, reptiles, and invertebrate species. Four species of endangered and threatened sea turtles, the Loggerhead, Green, Leatherback and Hawksbill sea turtles, nest on the Property from April through early November. During sea turtle nesting season, Miami-Dade County's Sea Turtle Conservation Program surveys the beaches and marks new nests before regular beach operations are allowed to begin.

Exhibit K shows the eleven (11) species of particular concern that the Florida Natural Areas Inventory (FNAI) has recorded in the general area of the Property:

- 1) *Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, and *Eretmochelys imbricata*: The habitat ranges for the Loggerhead (federally threatened), Green (federally endangered), Leatherback (federally endangered), and Hawksbill

(federally endangered) sea turtles include Florida's Atlantic coast. They use the sandy beaches within the Property for nesting.

The City of Miami Beach makes a concerted effort to protect all sea turtles, their nests and hatchlings within the Property by supporting the efforts of Miami-Dade County's Sea Turtle Conservation Program. These efforts include daily inspections of the Property during nesting season to identify, monitor, protect, and mark sea turtle nests. Additionally, the City has a nesting sea turtle protection ordinance to reduce the impacts of artificial lighting on sea turtles that nest on our beaches and their hatchlings.

- 2) *Trichechus manatus*: The West Indian manatee is found along the southeastern coast of Florida within the protected waters of Biscayne Bay, the City's waterways, and the Atlantic Ocean adjacent to the Property. Their migration near the Property occurs primarily in the spring and fall. The use of the Property is not expected to have any impact on the West Indian manatee. Accordingly, no special treatments or activities are contemplated in connection with this species of special concern.
- 3) *Halophila johnsonii*: Johnson's Seagrass occurs in the Biscayne Bay estuary, which is located along the western coast of the City. The closest recorded occurrence of this species lies approximately two (2) miles west of the Property. The use of the Property is not expected to have any impact on any Johnson's Seagrass. Accordingly, no special treatments or activities are contemplated in connection with this species of special concern.
- 4) *Haliaeetus leucocephalus*: There have been no reported sightings of bald eagles in Miami Beach since Hurricane Andrew destroyed the Australian pines, an exotic nuisance species that a few eagles utilized during the winter migratory stays, along the Property. The Property is a habitat area for other local and migratory birds including gulls, terns, egrets, and sandpipers. The Florida Fish & Wildlife Conservation Commission's Bureau of Protected Species Management is the agency which monitors wildlife migrations in Florida.
- 5) *Jacquemontia reclinata*: The beach cluster vine is a federally listed endangered species that grows within the dune system within the subject property. Restoration efforts conducted by both the City and outside organizations have helped to restore over 6.6 acres of habitat, and have successfully reintroduced the beach cluster vine back into the system.
- 6) *Coccoloba uvifera*: Sea grapes grow throughout the Property within the dune system. Sea grapes are protected and maintained in accordance with the provisions of the City's Dune Management Plan (**Exhibit G**).
- 7) *Uniola paniculata*: Sea oats are a native dune vegetative grass that helps to stabilize sand and strengthen the protective storm berm. Sea oats are protected under state law, and per FDEP regulations, sea oat seeds cannot be collected without a permit and the plants cannot be cut back or removed.

- 8) *Serenoa repens*: Saw palmettos were naturally found in the City's dune system. The City is promoting the re-introduction of this species and its protection per the provisions of the City's Dune Management Plan (**Exhibit G**). Trimming of the saw palmetto is regulated under the State.

14. Habitat restoration and enhancement concerns and response:

The City of Miami Beach works with Miami-Dade County to restore and enhance existing habitat within the Property. Management activities across the City and the County are coordinated by the City's Environment and Sustainability staff which has an estimated annual operating budget of \$800,000. Other City Departments that are involved in managing the Property, such as the Property Management Department, the Tourism, Cultural, and Economic Development Department, and the Sanitation Division, perform their management duties as part of their division operations. The City spends an estimated \$212 million in beach management and beach-related activities. Additionally, Miami-Dade County's Beach Operations spends approximately \$2 million in beach maintenance activities in Miami Beach, not including the cost of beach renourishment or other related projects which vary annually.

The City's management goals are associated with the following challenges prioritized in the order in which they are listed:

Beach erosion:

- 1) *Concern*: Seasonal conditions and threats from natural phenomena, e.g. hurricanes and storm surge, contribute to erosion of the beach and dune system.
- 2) *Key management activities*: Work with the County, State, and Federal governments to identify, permit, and use sustainable sources of sand, as well as allocate funding to continue beach renourishment activities and find long-term solutions for erosional hot spots.
- 3) *Desired outcome*: Maintain healthy beach width that allows for recreation, habitat and erosion control through continued nourishment, use of breakwaters or natural accretion.
- 4) *Timeframe*: Short-term (2-year planning period) the City is working with Miami-Dade County to look for and identify viable domestic and non-domestic sand sources to conduct the next large-scale beach renourishment project. Additionally, the City has proactively developed the City's Dune Management Plan to improve the stability of the sand accreting within the beach and dune system. In 2013, the City hired a full-time beach monitor, who among other closely monitors changes in the width of erosional hotspots through monthly inspections. Additionally, on July 9, 2015, the Mayor joined forces with other coastal mayors in Miami-Dade County to tackle beach erosion issues and urge local government partners to allocate funding and resources toward facing this challenge. Long-term (10-year planning period) goals include identifying a sustainable source of funding and of fill to conduct beach renourishment projects into the future.
- 5) *Measurable objectives*: An annual net increase in beach width at the City's hot spots.

Beach cleanliness:

- 1) *Concern*: Incoming tides and public uses can degrade the cleanliness of the beach.

- 2) *Key management activities:* Miami-Dade County Beach Operations has trash and recycling bins installed at regular intervals throughout the beach. Additionally, Miami-Dade County sifts the sand regularly and deploys litter crews to remove litter from the sand. The City also has litter crews that conduct daily clean-up of litter in the dunes and along the coastal pathways. These efforts are supplemented by beach concessionaires that are required to clean their respective areas before and after their daily operations and by volunteer beach clean-ups that engage the public, including an Adopt-A-Beach Program.
- 3) *Desired outcome:* Improved cleanliness of the beach and dunes, as well as reduced generation of marine debris.
- 4) *Timeframe:* Short-term the City is working with Miami-Dade County to refine sand sifting and litter crew standard operating procedures and to improve enhance the County's efforts. In July 2015, the City created a Beach Maintenance Director position to oversee beach operations more closely and improve the cleanliness of the City's beaches. Additionally, the City is in the process of developing an anti-litter educational campaign that specifically targets beach litter. Long-term goals include reviewing and revising the beach cleanliness program annually to meet changing conditions and an increased volume of beach visitors.
- 5) *Measurable objectives:* A score of 2 or lower in the City's quarterly cleanliness assessment for beach areas.

Dune maintenance:

- 1) *Concern:* Homeless activity, lack of maintenance, and non-native invasive vegetation threaten the stability of the dune system in certain areas of the Property.
- 2) *Key management activities:* Installation of rope and post and sand fencing around the dune system to prevent trespassing, installation of signage warning the public to stay out of the dunes, dune restoration and enhancement projects, and volunteer dune restorations.
- 3) *Desired outcome:* Improved dune health leading to greater dune stability manifested by increased dune height, width, and vegetative cover.
- 4) *Timeframe:* Short-term the City has developed a dune management plan that includes large scale non-native invasive species removal, replanting with native species, selective trimming of native vegetation, maintenance specifications for rope and post and sand fencing, and other best management practices. Additionally, the City has installed signage and conducts regular education and outreach to promote community stewardship and understanding of the dunes. Furthermore, the City's Homeless Outreach Team will continue to post and subsequently close any homeless encampments in the dunes. Long-term goals include replacing all sand fencing with dune rope and post and replacing existing dune signage to improve enforcement of dune trespassing violations.
- 5) *Measurable objectives:* A net increase in native vegetation and decrease in non-native, invasive vegetation in the City's dune system. Additionally, a net increase in species of concern.

15. Arthropod Control Plan:

The City does not have its own Arthropod Control Plan. Rather, the City residents refer mosquito complaints to the County's Mosquito Control District who responds to

complaints with truck spraying, aerial spraying or by site inspections, depending upon the location and the season of the year.

16. Exotic and invasive species maintenance and control

Inventory

After the 2014 citywide dune restoration and enhancement project, the City has approximately 50 acres of non-native, invasive vegetation, comprised primarily of *Scaevola taccada*, remaining in the Property. The non-native, invasive vegetation is concentrated between 3rd Street and 14th Court (South Beach) and between 46th Street and 64th Street (Middle Beach) adjacent to pending segments of the Atlantic Corridor or areas designated for volunteer dune restoration events. The areas in South Beach will be fully restored using a combination of volunteer and contractor-led projects. The areas in Middle Beach will be fully restored during the construction of the Middle Beach Recreational Corridor beachwalk project.

Management

The City's management strategy, including exotic and invasive species maintenance and control protocol, are delineated in the City's Dune Management Plan (**Exhibit G**).

Section E: Water Resources

17. Water resources located in the Property:

The waters of the Atlantic Ocean, which lies along the eastern boundary of the subject property, are classified as Class III. The groundwater/aquifer beneath the Property is classified as GIII water. There are no other water bodies or water resources within the Property. The Property is not located within an aquatic preserve or designated area of critical State concern, nor is it being considered for such designation. No Outstanding Florida Water designations apply to the Property. Additionally, there are no swamps, marshes or other wetlands located within the subject property. As such, hydrological preservation and restoration is not a component of this management plan.

Section F: Historical, Archeological and Cultural Resources

18. Renewable and non-renewable resources of the Property regarding archeological and historical resources:

The City is required to consult with the Department of State's Division of Historical Resources before taking actions that may adversely affect archaeological or historical resources. No archaeological or historic sites or resources have been recorded within the subject property and the Florida Department of State, Division of Historical Resources has determined that there is a low probability of significant, unrecorded sites being located within it.

Section G: Facilities (Utilities, Access, Recreation)

19. Inventory of infrastructure and associated acreage:

Infrastructure within the Property is limited to the estimated 8,500 linear feet of completed beachwalk projects described in Section B, Part 6 and shown in **Exhibit C**.

The management of these pathways involves property management inspections and repairs, which are conducted regularly by City staff. Additionally, the pathways require daily litter control operations with a three to seven man crew depending on the amount of traffic at each location. For example, the beachwalk from Government Cut to 14th Terrace sees the highest amount of traffic because it is located in a highly visited tourist area so it requires a seven man crew to service it seven days a week night and day. Conversely, the North Beach Recreational Corridor is located in a less trafficked residential area and only requires a five man crew seven days a week to provide the same level of service. Like the beach, cleanliness of the beachwalk system is also measured using the City's Public Area Cleanliness Index, through which beach cleanliness is given a Quarterly and Yearly score used to direct City efforts toward improving maintenance functions in problem areas and making the beachwalk areas cleaner.

Short-term the City will continue to evaluate its quarterly cleanliness assessment scores to determine whether additional litter crews or schedule refinements are required. Additionally, City staff reviews and responds to customer service requests daily. The newly created Beach Maintenance Director position created in July 2015 will oversee beach operations, including maintenance of the coastal pathways, more closely to improve their cleanliness and condition. Long-term goals include reviewing and revising the beach cleanliness program annually to meet changing conditions and an increased volume of beach visitors. The need for changes in this program is determined based on the City's quarterly cleanliness assessment for beachwalk which cannot exceed a score of 2.

In the future, the City has plans to construct additional infrastructure adjacent to the Property, including a potential project to install adaptive and inclusive playground equipment east of the CCCL, within Allison Park at 64th Street. An adaptive playground will provide children with sensory, cognitive and/or physical challenges with the ability to have full access to the same playground equipment as other children. An inclusive playground is designed to specifically ensure that children of multiple abilities can play together—not just alongside each other.

While the playground has not yet been designed, there are many elements that can be incorporated into the design of a playground including surfacing, ramping the structure, adding sensory panels, textures and sound, and adding ADA Swings to allow children access to the structure and to provide for easily-accessible transfer stations. On May 30, 2014, the NCAC passed a motion by majority vote recommending that the City Commission approve the inclusion of an adaptive and inclusive playground in the design plan for Allison Park.

20. Public access and recreational opportunities:

The City manages the Property in a manner that promotes and enhances public access, as well as its use as a public beach area. The City currently maintains approximately 150 public beach accesses and has beach regulations in place to promote a "balanced public utilization".

Dune crossovers

It is the City's goal to promote public access while limiting damage to existing dune vegetation. As such, the City does not allow new crossovers to be created if there is an existing crossover within 100 feet. That is, the minimum allowable distance from crossover to crossover is 100 feet. The surface of new crossovers must be beach compatible fill approved by the City and the State. New crossovers are currently required to be at a 45 degree angle and head South to North. The entity that requests the crossover is responsible for mitigate for any vegetation damaged in the creation of the crossover and for any rope and post that needs to be installed as a result of the new crossover (on both sides of the crossover and any changes to the rope and post on the west and east of the dune, if needed to allow for the crossover).

Fully-accessible beach

The City worked with its Disability Access Committee to install mobi-mats at 16 beach entrance locations to allow access in accordance with ADA guidelines (**Exhibit N**). Mobi-mats are heavy-duty, polyester mats that provide traction, allowing the disabled and other users to traverse from the beachwalk system or parking lots to the hardpack sand while reducing the chance of slips, trips and falls. Currently, the mobi-mats only extend to the eastern edge of the dunes and end where the hardpack sand begins and the vegetated dune ends. Furthermore, mobi-mats are only allows on dune crossovers that head South to North as these do not accumulate as much sand and therefore require less frequent maintenance. It must be noted that as of 2015 FDEP's Division of Beaches and Coastal Systems requires a CCCL permit for any new installation or relocation of mobi-mat. These permits must be renewed annually.

The City's Ocean Rescue provides a number of disability services, including free beach wheelchair service during lifeguard duty hours every day. The City's beach wheelchair fleet includes two manual and two motorized chairs, with one motorized chair located at South Pointe Park and the other three chairs located at the Ocean Rescue Headquarters at 10 Street. In addition, there are nine swim ropes that provide a safety aide for beachgoers entering and exiting the water.

In conjunction with the adaptive and inclusive playground project, the City is working with FDEP to design a fully-accessible beach concept at 64th Street with various accessibility services that is in accordance with existing regulations and restrictions for the Property. The proposed design of this project may include the installation of mobi-mat or similar ADA compliant surface that will connect the beachwalk to a scatter point located closer to the Mean High Water Line, temporary shade structures, on-site beach wheelchairs, a swim rope and mono-pole signage. The final plans will be submitted to FDEP's Division of Beaches and Coastal Systems for review and approval through the CCCL permitting process.

Ocean rescue

The City has 35 lifeguard stands from which Ocean Rescue provides lifeguard services 365 days per year. **Exhibit O** shows the location of the historical lifeguard locations. In 2015, Ocean Rescue coordinated the addition of six new towers, one each at 4th Street, 24th Street, 43rd Street, 50th Street, 57th Street, and 67th Street. Additionally, the City is in the process of replacing all old lifeguard towers with new designs in 2016.

From November through January, Ocean Rescue staffs the lifeguard towers from 9:00 a.m. to 5:00 p.m. In February, their hours of operation shift to begin at 7:30 a.m. and end at 5:30 p.m. The remainder of the year Ocean Rescue staffs the towers from 9 a.m. to 7 p.m. All lifeguard stations are supported by Lieutenant personnel in four-wheel drive vehicles. Additional support is provided by all-terrain cycles, a twenty-seven foot rescue vessel, and other smaller jet-driven watercraft. All personnel are in contact with each other by radio transmitters which have the capability of communicating with the City's Police and Fire Rescue departments.

Coastal parks

The City has 12 parks located immediately upland from the beach. The five coastal parks in South Beach are South Pointe Park at Government Cut (approx. 17.5 acres), Pier Park at 1st Street (approx. 5 acres), Marjorie Stoneman Douglas Park at 2nd Street (approx. 5 acres), Lummus Park at 5th Street (approx. 26 acres), and Collins Park at 21st Street (approx. 12 acres). The three coastal parks in Middle Beach are Pancoast Park at 35th Street (approx. 1 acre), Indian Beach Park at 46th Street (approx. 4 acres), and Beach View Park at 53rd Street (approx. 1.5 acres). The four coastal parks in North Beach are Allison Park at 64th Street (approx. 2 acres), Bandshell Park at 73rd Street (approx. 4 acres), Altos Del Mar Park at 75th Street (approx. 4 acres), and North Shore Open Space Park at 79th Street (approx. 27 acres). The amenities available at these parks vary according to their location and include parking, restrooms, playgrounds, exercise equipment, picnic tables, pavilions, natural areas, benches, and other miscellaneous park amenities. The City's Parks and Recreation Department currently has a \$9.6 million budget approved to implement 10 capital improvement projects and six park maintenance projects for these coastal parks, not including approximately \$800,000 in their combined annual grounds maintenance costs. These projects are intended to meet the City's goals of maintaining the existing park infrastructure in working order and safe for the public's use and enjoyment based on the outcome of structural and condition assessments.

Concession operations

Concession operations in the City include publicly and privately contracted operations that are permitted to provide services such as beach and watersport equipment rentals and food and beverage sales. Beach equipment available for rent includes lounge chairs, umbrellas, sun canopies, beach beds, side tables, snorkeling equipment, personal floatation devices and miscellaneous beach toys. Watersport equipment available for rent includes kayaks, jet skis, banana boats, and parasailing.

Last Fiscal Year, the City had a total of 66 active private beachfront concession permits, three active public beachfront concession contracts, and nine active watersport equipment water channels with associated rentals. Out of the 66 private beach concession permits, 52 constituted commercial permits and 14 constituted non-commercial permits.

Eruv

The City of Miami Beach has a large Jewish population that observes Shabbos. One of the divisions of labor prohibited on Shabbos is commuting from one domain to

another or from an enclosed area to an open area. Individuals who observe Shabbos may be allowed to exit their enclosed private residence to areas enclosed by an Eruv comprised of horizontal walls of a minimum height of ten handbreaths or poles connected from above with strings for gaps larger than ten cubits, among other specific requirements. For this purpose, the City of Miami Beach agreed to allow the installation and maintenance of a ten mile long and three-mile wide Eruv currently comprised, on the entire 7.1 miles of beach, of mono-poles connected by wire, string, or similar material running north to south along the east side of the dunes and, elsewhere in the City, of seawalls. Inspection and maintenance of the Eruv is the responsibility of the Miami Beach Eruv Council. Currently, the Eruv is regularly inspected every Friday and Erev Yom Kippur via ATV by Miami Beach Eruv Council inspectors.

Exhibit A – Beachfront Management Agreement

MANAGEMENT AGREEMENT

FOR
CERTAIN LANDS
IN

THE CITY OF MIAMI BEACH, FLORIDA

*file
beach master
plan*

Agreement No. 750-0006

This AGREEMENT entered into between THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, referred to herein as the "Board" and the CITY OF MIAMI BEACH, FLORIDA, referred to herein as the "City";

WITNESSETH:

WHEREAS, the Board holds title to certain beach property created and established pursuant to Section 161.141-161.211, Florida Statutes and

WHEREAS the City desires to manage said beach property for recreational and other related activities;

NOW THEREFORE the Board and the City for and in consideration of the covenants hereinafter contained do hereby agree as follows:

1. The BOARD hereby grants for a period of twenty five years from the date of the execution of this agreement to the City management responsibilities over the following described beach property located in Dade County, Florida and within the corporate boundary of the City, to wit:

*2/13/82
2/13/82
by C.A.C.
2/13/82
2/13/82*

(See Exhibit A, attached hereto and made a part hereof)

2. The CITY hereby agrees to submit a management plan pursuant to Section 253.034(4), F.S. Said management plan shall specifically address the following activities:

(a) the construction and maintenance or supervision of the construction and maintenance of landscaping improvements;

(b) the construction and maintenance or supervision of the construction and maintenance of public amenities such as lighting, boardwalks, pedestrian and bicycle courses, seating appointments and other like structures;

(c) prohibition of motorized vehicle access to the beach except at certain specific locations approved by the Department of Natural Resources and the CITY;

(d) the limitation and control of land and water related activities such as boating, bathing, surfing, rental of beach equipment, and sale of goods and services to the public. Such control shall be administered through police power regulations including licensing, permitting and concessions. The CITY agrees to remit to the Department of Natural Resources 25% of any and all monies the CITY collects from private concessionaires or other private concerns for the use of the State property. The CITY agrees to provide the Department of Natural Resources with an annual audited report of all monies collected from said concessionaires;

3. Pursuant to Section 161.201, F.S., the CITY shall not allow any structures to be erected upon the land subject to this agreement, except such structures required for the prevention of erosion. Neither shall such use be permitted by the City as may be injurious to the person, business or property of the upland owner or lessee.

4. It is understood and agreed that the CITY shall have responsibility for the protection of the property; and shall through its agent and employees take all reasonable measures to provide security against property damage, property degradation and unauthorized uses.

⑤ The CITY shall not permanently clear, plant, build or alter the property or engage in any activities of a permanent nature except as provided for in the required management plan without the approval of the Executive Director of the Department of Natural Resources. Such activities shall be deemed approved if no response is received from the Executive Director within 30 days receipt of written notice from the CITY of the proposed activity.

6. Upon execution of this Agreement, the CITY, shall have the right to enter and occupy the property for the purposes necessary to fulfill the designated responsibilities.

7. The BOARD, or its duly authorized agents, shall retain the right to enter the property and engage in management activities not inconsistent with the management plan and shall retain the right to grant other legal uses compatible with management plan. Prior to the granting of any third party uses, the CITY shall be given written notice and shall have 30 days to object. If the CITY objects, then the matter shall be mutually resolved. If the matter cannot be mutually resolved, it shall be presented to the BOARD for their resolution.

8. The BOARD or its duly authorized agents shall have the right at any time to inspect the works and operations of the CITY in any matter pertaining to this Agreement. The BOARD or the CITY shall have the right to terminate the Agreement upon 90 days NOTIFICATION provided such notification is in writing from the Executive Director of the Department of Natural Resources or the CITY Manager of the City of Miami Beach.

9. This Agreement and any rights and privileges contained herein are for the sole use of the CITY and shall not be assigned or transferred to any other party.

10. The CITY shall defend, hold and save the BOARD and its designated agents harmless from any and all liability or claims that may result from injuries to persons or damage to property arising out of this agreement and the use of the property by the CITY to the extent allowed by the Laws of Florida.

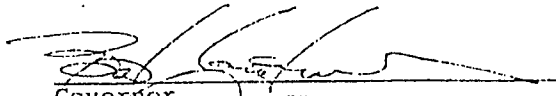
11. This instrument does not convey any interest in real property.

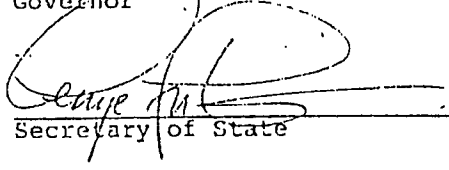
IN TESTIMONY WHEREOF, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and


the City of Miami Beach, Dade County, Florida, have hereto
set their seal.

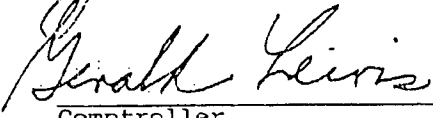
(SEAL)

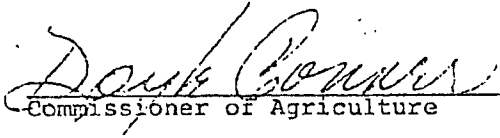
BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST
FUND OF THE STATE
OF FLORIDA


Governor



Secretary of State


Attorney General

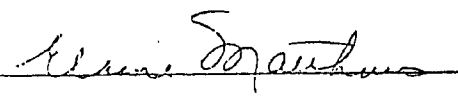

Comptroller


Commissioner of Agriculture

Commissioner of Education


Treasurer

ATTEST


City Clerk

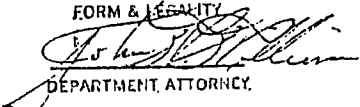
CITY OF MIAMI BEACH

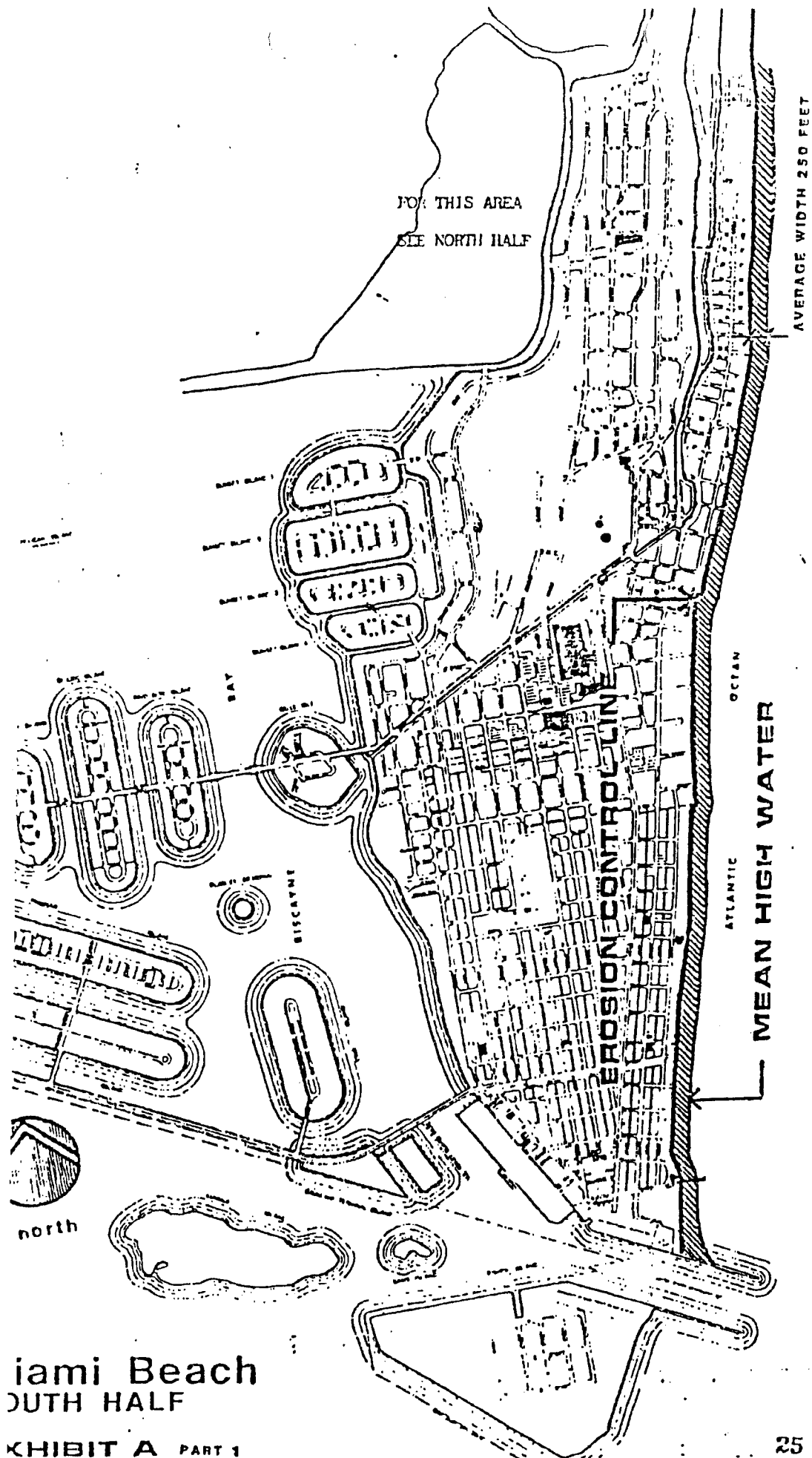
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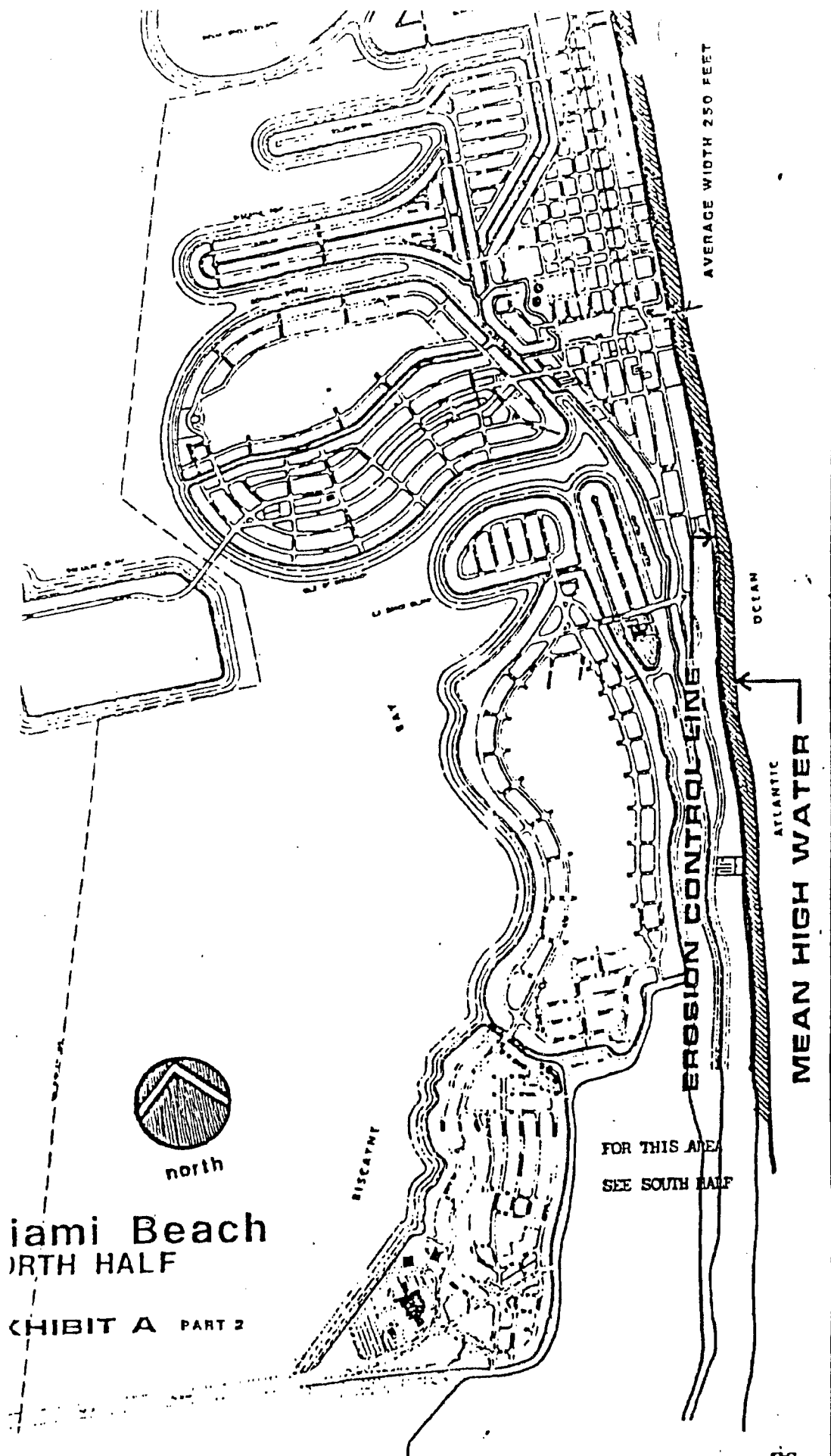
Mayor

Date: February 3, 1982

APPROVED AS TO
FORM & LEGALITY


DEPARTMENT ATTORNEY





ATL1

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA

AMENDMENT NUMBER 1 TO MANAGEMENT AGREEMENT NUMBER 3595

THIS MANAGEMENT AGREEMENT AMENDMENT is entered into this 7th day of February, 2007, by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, hereinafter referred to as the "Board" and the City of Miami Beach, hereinafter referred to as "City";

W I T N E S S E T H

WHEREAS, the Board holds title to certain beach property created and established pursuant to Sections 161.141 - 161.211, Florida Statutes; and

WHEREAS, the City desires to continue management of said beach property for recreational and other related activities;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The Board hereby extends the term of this Management Agreement Number 3595 for an additional twenty-five (25) years beginning February 7, 2007.
2. Except as expressly set forth herein, the terms and conditions of Management Agreement Number 3595, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by the Board and City as of the date of this Amendment Number 1.
3. The terms of this Amendment Number 1 to Management Agreement Number 3595 shall be binding upon the parties hereto and their respective successors and assigns.

The parties have caused this management agreement amendment to be executed on the day and year first above written.

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA

By: *Janice Ellison* (SEAL)
JANICE ELLISON, OPERATIONS
AND MANAGEMENT CONSULTANT
MANAGER, BUREAU OF PUBLIC LAND
ADMINISTRATION, DIVISION OF
STATE LANDS, STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 9 day of August, 2007, by Janice Ellison, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

B. Ann Henson
Notary Public, State of Florida

B. Ann Henson
Print/Type Notary Name

Commission Number:

Commission Expires:



Approved as to Form and Legality

By: *[Signature]*
DWP Attorney

CITY OF MIAMI BEACH
By its City Commission

By: Matti Herrera Bower (SEAL)

Matti Herrera Bower
Vice-Mayor
Print/Type Name

Title: Vice-Mayor
(OFFICIAL SEAL)
"City"

ATTEST: Robert Parcher

Robert Parcher
Print/Type Name

Title: City Clerk

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 26th day of July, 2007, by Matti Herrera Bower and Robert Parcher as Vice-Mayor and City Clerk respectively, on behalf of the City of Miami Beach. They are personally known to me.

Kerry Hernandez
Notary Public, State of Florida

Kerry Hernandez
Print/Type Notary Name

Commission Number

Commission Expires



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 7/3/07
City Attorney Date

**Exhibit B – Property Location & Boundary Map for the
City of Miami Beach**

Northern Boundary
87th Terrace

Southern Boundary
Government Cut Inlet

Path: M:\SCMB\GIS\Maps\Request\BeachManagementPlan_8X11.mxd

Legend

EROSION CONTROL LINE

Exhibit A- Property Location & Boundary Map for City of Miami Beach



0 500 1,000 1,500 2,000 Feet



Exhibit C – Atlantic Greenway Network Project Map

Exhibit C

City of Miami Beach: Coastal Pathway Segments

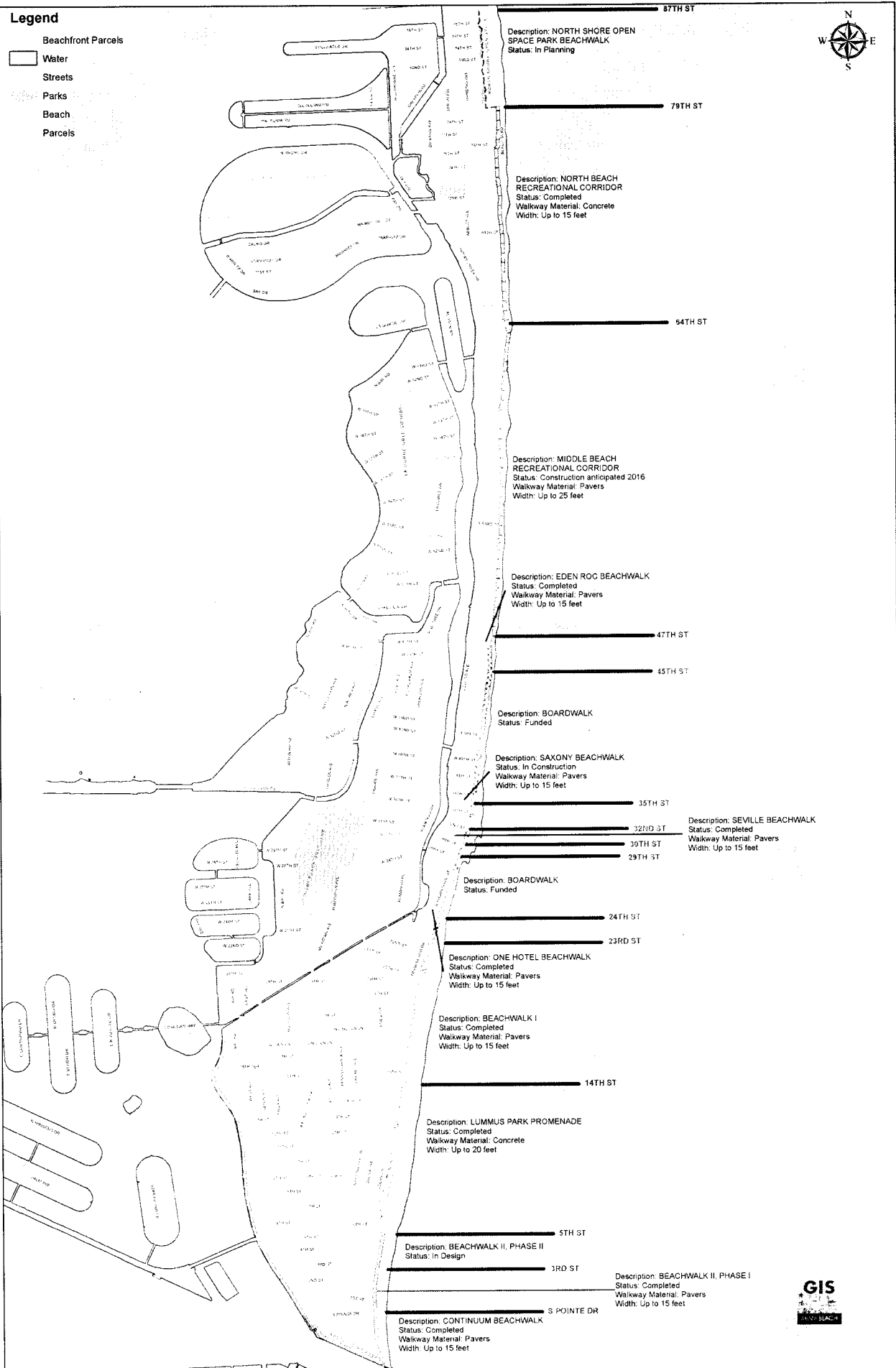


Exhibit D – Concession Operations Rules & Regulations

This document is currently under review by the City's Neighborhood/Community Affairs Committee ("NCAC") and will be submitted for the State's review and approval for amendment into the Plan once it is approved by the NCAC, and the Mayor and City Commission.

Exhibit E – Special Event Permit Requirements & Guidelines



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TOURISM AND CULTURAL DEVELOPMENT

FILM & EVENT PRODUCTION MANAGEMENT

Tel: 305-673-7577 , Fax: 305-673-7063 , Email: events@miamibeachfl.gov

UPDATED September 2013

SPECIAL EVENTS REQUIREMENTS AND GUIDELINES

The City of Miami Beach ("City") hosts a wide variety of special events that enrich the community for both visitors and residents. To mitigate the ever-increasing demands made upon City resources and infrastructure, applicants are required to present proposed special event activities to potentially impacted neighborhood associations and appropriate City departments to ensure that these events are compatible with the surrounding neighborhoods. This process assists in evaluating and assessing the City's resources, both in terms of personnel and use of public property and right-of-ways, to adequately protect the public safety, health and welfare of the community.

This review may also require a more detailed and coordinated Major Event Plan, especially during holiday or repeat event periods that have a high impact on City services. The Special Events Ordinance (Chapter 12, Article II, Section 12-5 of the Miami Beach City Code) and the Special Events Requirements and Guidelines are intended, insofar as possible, to mitigate the costs of City services for special events, although it is not the intention that the costs of special events permit fees be used for revenue generation.

The intent of the Special Event Ordinance and the Special Events Requirements and Guidelines is:

- To insure the City will have adequate advance notice of a proposed special event and the cooperation of the organizers to adequately plan City services (such as security, sanitation, parking, and traffic control) that may be required for such an event.
- To insure that the City's beaches, parks, and public right-of-ways are protected and conserved, by limiting the number and type of events held in these areas; and
- To preserve the City's commitment to attract quality events with significant cultural and entertainment enrichment for the community at-large.

This Special Events Requirements and Guidelines package has been designed to help guide applicants through the process of applying for a special events permit, and to minimize disruption to the impacted surrounding environment.

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Special Events Requirements and Guidelines

I. APPLICATION PROCEDURE

A City Permit is required for special events. A "special event" is generally defined by the City as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review in accordance with this section. Applications are processed on a first come, first served basis, unless otherwise provided for under the booking policy herein (Section II. B).

A. **STEP 1: Application and Questionnaire Forms**

All persons or entities interested in conducting a special event must complete an application and questionnaire listing all required information. Please refer to Appendix A for a copy of the application and Section VII, Special Event Class Matrix, for breakdown on classes of event permits and their respective requirements.

I. **EVENTS ON PUBLIC PROPERTY**

1. Events taking place on public property, whether produced by a not-for-profit or for profit entity, with a maximum attendance of 150 people and requiring no city services (police, fire, parking, etc.) or building permits, as determined by the Office of Special Events, do require a special event permit from the City. Applications and questionnaires shall be submitted with a minimum of THIRTY (30) days notice, in order to process prior to the proposed event start date.
2. Events taking place on public property, whether produced by a not-for-profit or for profit entity requiring city services (police, fire, parking, etc.) and/ or building permits, as determined by the Office of Special Events, including, but not limited to, festivals, parades, performances, and broadcasts, require a special event permit from the City. Applications and questionnaires shall be submitted with a minimum of SIXTY (60) days notice, in order to process prior to the proposed event start date.

II. **EVENTS ON PRIVATE PROPERTY**

1. Applications and questionnaires for events proposed to take place on private property where such event would be considered a 'special event' under the City's Special Events Ordinance and these Guidelines, and requiring no city services (police, fire, parking, etc.) or building permits, as determined by the Office of Special Events, shall be submitted with a minimum of FIFTEEN (15) days notice prior to the proposed event start date.
2. Applications and questionnaires for events proposed to take place on private property where such event would be considered a 'special event' under the City's Special Events Ordinance and these Guidelines, requiring city services (police, fire, parking, etc.) and/ or building permits, as determined by the Office of Special Events, shall be submitted with a minimum of THIRTY (30) days notice prior to the proposed event start date.

It should be noted that events may only obtain special event permits on private property in facilities with current Certificate of Occupancy or Temporary Certificate of Occupancy.

Events or activities that do not require special event permits are recurring activities that are typically not open to the general public, and are customary and incidental to a permitted main or accessory use, whether by paid admission or not, and require no additional permitting.

Examples of customary uses for hotel properties include, but are not limited to: Weddings; Bar

Mitzvah; Bat Mitzvah; Anniversaries; Baby Showers; Engagement parties; Wedding Showers; Holiday events; Awards functions; Networking Events; Fund Raisers; Charity Events; Incentive group functions (meetings, etc.); Corporate group functions (meetings); Convention group functions (meetings); Community based organization meetings; Reunions; Prom; Seminars; Sweet Sixteen; Press Conferences; Product Announcements; Political functions (including kick offs, election night or during a campaign).

Non-recurring events or activities that have extraordinary or excessive impacts on public health, safety or welfare, not normally associated in type or quantity with permitted main or accessory uses, **shall require a special event permit**. For example:

- When temporary structures are erected (South Beach Food and Wine Festival's "Bubble Q", Art Basel, etc.); or
- When a temporary occupant load is required; or
- Television, entertainment events or casting calls open to the public (American Idol) with public property impacts; or
- Musical performances (Winter Music Conference).

Conditional uses are recurring activities open to the general public, whether by paid admission or not, identified in the City's Land Development Regulations, and requiring a public hearing (e.g., Neighborhood Impact Establishments or Outdoor Entertainment Establishments such as Sky Bar, Raleigh Hotel Sunday Soiree, etc.).

Non-conforming uses in residential districts are prohibited from obtaining special event permits. Additionally, consistent with Section 142-693 (c), Section 142-302, and Section 142-485 of the City Code, special event permits will not be issued to non-conforming properties south of Fifth Street, or in the area generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east, and Dade Boulevard on the south.

III. **WEDDINGS, CEREMONIES AND TEAM BUILDING**

A Wedding, Ceremony and Team Building Permit allows for a single temporary use of public property in the City, other than within existing rental areas of the Parks Department. A Wedding, Ceremony and Team Building Permit allows for limited elements ("Elements"), defined as the following: chairs, runner, arch/chupa, flags, banners, and other temporary markers, battery operated stereo, acoustical performer(s), riser (48" or less) and a single 10'X10' pop up tent. Any additional Elements or activity exceeding the Guidelines and restrictions (see below), inclusive of an adjacent reception would require special event permitting, or prior written approval of the City Manager or his/her designee.

REQUIREMENTS:

1. A completed Wedding, Ceremony and Team Building Permit application, detailing exact location, date, times, Elements and number of attendees shall be submitted no less than FIFTEEN (15) days prior to wedding/ceremony.
2. A site plan of the wedding, ceremony or team building area and Elements, detailing area features and showing measurements of entire site.
3. A \$125.00 Wedding, Ceremony and Team Building Permit fee, payable to The City of Miami Beach and due before commencement of activity.
4. Approved signature survey from any upland property owners and all contracted or concession user(s) if the area requested falls within a contracted or concession use.
5. Team Building Permit applicants are also required to provide a \$2,500 security deposit, as well as General Liability Insurance and a notarized Indemnity Agreement as specified in Section VII of the Special Event Requirements and Guidelines.

RESTRICTIONS:

1. A Wedding, Ceremony and Team Building Permit shall accommodate no more than one hundred and fifty (150) people, inclusive of guests, wedding party, performers, etc.

2. All approved Elements shall be hand carried or carted to site. Vehicles will be permitted in areas designated for authorized use only, including beach/sand, parks, sidewalks, pedestrian access areas, with prior written approval of the City Manager or his/ her designee approval and vehicle beach access passes (\$150.00 ea.) in conformity with Beach Vehicle Access Policy herein (Section D. II. A.).
3. Any promotional elements including, but not limited to sampling, branding or logos are strictly prohibited.
4. From May 1st through October 31st additional restrictions will apply per State of Florida Department of Environmental Protection ("DEP") Marine Turtle Guidelines. DEP permits may be required throughout the year.
5. Following the wedding, ceremony or team building event, the beach and/or public property must be left in as good, if not better, condition. Applicants must arrange to clean the area immediately following the wedding/ceremony.
6. Failure to comply with Wedding, Ceremony or Team Building requirements may result in citation to permittee and denial of future permits.

IV. MARKETS - For information on how to become a market producer or vendor, please contact the City of Miami Beach Procurement Department at 305-673-7490.

V. PRODUCT PROMOTION/ TEMPORARY SAMPLING - A Temporary Sampling Permit allows for the non-permanent and mobile distribution of single serving goods or services to the public with no direct or indirect commercial exchange provided on public property within the commercial and mixed-use zoning districts of the City.

REQUIREMENTS: Applicants wishing to procure a Temporary Sampling Permit shall provide the following information to the City's Department of Tourism and Cultural Development no less than 10 working days prior to said activity:

1. Application for Temporary Sampling Permit.
2. Samples and/or descriptive literature of products or services to be distributed.
3. Quantity of product(s) to be distributed.
4. General Liability Insurance of no less than One (1) Million U.S. dollars or equivalent value naming the City of Miami Beach as additional insured and certificate holder including the City's address as per Section A VII (INSURANCE REQUIREMENTS). The certificate must not be older than 90 days.
5. Completed, executed and notarized Indemnification, holding the City of Miami Beach harmless for all approved activities as well as from effects of products or services sampled.
6. A permit fee of \$2,000.00 per singular team, per day, payable to the City of Miami Beach and due before commencement of activity. A singular team is defined as no more than five (5) people in total distributing the same product in the location specified on the permit or within 500 feet of that location. This fee is refundable if permit is cancelled or denied.
7. A security deposit of \$2, 500.00 is due upon submission of application. Security deposits will be refunded approximately 4-6 weeks post activity, if all restrictions are followed, public property is left in as good or better condition than when activity commenced, and all City invoices are paid. Failure to comply with restrictions imposed automatically results in forfeiture of up to full value of security deposit.
8. Identify location where the temporary sampling activity will occur.

RESTRICTIONS:

1. Permittee or his/her representative must maintain the original permit with them during the activity.
2. Permit is valid for only one singular team of no more than five (5) people in total for the location specified in the permit or within 500 feet of that location.
3. Permit is valid only for date(s) issued.
4. Permit is valid only for approved product(s) as presented in application and printed on permit.

5. Permittee is solely responsible for comprehensive sanitation of any and all areas utilized and their surrounding areas, inclusive of ensuring any sample by-product or literature discarded by the permittee, his/her representative, or the public is removed and discarded appropriately.
6. Permittee or his/her representative may not at any time erect tables, tents, chairs, banners, flags, fencing, inflatables, signs or other elements in public areas or right of ways.
7. Permittee or his/her representative may not at any time attach posters, flyers, stickers or other elements on buildings, trees, lightpoles, newspaper racks, telephone booths, or other public elements. Hand to hand distribution of information must follow City's Handbill Ordinance, as codified in Article 3, Section 46 of the City Code. A Temporary Sampling Permit shall not be required for the distribution of literature, periodicals or other non-product or service related materials, **as long as it has no exchangeable or redeemable value.**
8. Permittee or his/her representative may not reserve meters for the parking of promotional vehicles (skinned or unskinned). Any and all parking must be in accordance with the City parking regulations.
9. Permittee may not distribute materials from moving vehicles.
10. Permittee or his/her representative may not employ any generators, use electrical outlets or require, install or lay wiring across the public right of ways.
11. Permittee or his/her representative must maintain no less than five (5) feet of unobstructed public access on sidewalks at all times.
12. Permittee or his/her representatives are bound by the Miami-Dade County and City of Miami Beach Noise Ordinances at all times.
13. If Permittee wishes to distribute material in an area contracted or permitted for concession, outdoor café, event, filming or other such use, Permittee must provide approved signature survey form from affected party.
14. Permittee or his/ her representative may not sample within twenty (20) feet in any direction from the outside perimeter, as indicated in the site plan attached to the city issued permit, of any outdoor cafe, outdoor restaurant, sidewalk cafe or other establishment serving food or beverages for immediate consumption, without the express written permission of proprietor of such business;
15. The City does not permit stand alone product promotion events. Product promotions are only permitted for sponsors of permitted special events and only within the permitted boundaries of such special event.

PENALTIES: Violators of terms of a Temporary Sampling Permit may be subject to one or more of the following:

- Revocation of permit and immediate cease and desist order issued.
- Forfeiture of full or partial security deposit at discretion of City Manager or his/ her designee.
- Subsequent doubling of previous security deposit for future applications.
- The product and/or other products from parent company will be restricted from distribution in any future Temporary Sampling Permits for a period to be determined by the City Manager or his/ her designee.
- Fines and further penalties as Article II, Section 12-5 (9) of the City Code.

VI. RIDES AND AMUSEMENTS - The City does not allow for-profit carnivals, amusement parks, or carnival-related mechanical amusement rides.

VII. MINIMUM REQUIREMENTS - The minimum requirements to apply for a Special Events Permit are:

- **APPLICATION/PROCESSING FEE** – This fee is non-refundable and must be made payable to the City of Miami Beach at the time of application. Please see attached Fee Schedule (Appendix D) to determine fee amount.
- **LATE APPLICATION FEE** – This additional fee, equivalent to the applicable application fee, will apply to all applications received after the deadlines noted in sections A.I.1 and A.I.2 (Page

4). Any application submitted less than fourteen (14) days from event date may not be reviewed, regardless of late application fee.

PLEASE NOTE: Late Application Fees cannot be waived.

- **PERMIT FEE** – This fee is refundable if application is denied and must be made payable to the City of Miami Beach at the time of application. Please see attached Fee Schedule (Appendix D) to determine fee amount.
- **SECURITY DEPOSIT** (\$2,500 for events entirely within private property or on public property with no City services required and up to 150 attendees; \$5,000 for events up to 1500 attendees and/ or requiring City services; \$10,000 for events between 1501 and 5000 attendees; \$20,000+ with more than 5001 attendees and/ or with a load in to load out duration exceeding 14 days. Deposits for Non-Profit applicants will not exceed \$10,000. A refundable security deposit will be required no later than fourteen (14) days prior to the event load in. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded as soon as possible (approximately 3 - 4 weeks after the event) if all conditions are followed, public property is left in as good condition or better and without damage, any pending Code citations are satisfied and all City invoices are fully paid. Failure to comply with restrictions imposed may result in forfeiture of up to the entire amount of the security deposit, as per Section III, Enforcement and Penalties.

Any post-event balance or fines owed to the City, its employees, Departmental or Facility charge/expenses, damage, repair or replacement cost(s), etc. may be deducted from the security deposit. Any unpaid balance owed exceeding the security deposit will be cause for refusal to accept future special event permit applications. Such applications will not be considered until all outstanding debts to the City are paid in full (i.e. License Fee, Code Enforcement Lien, Special Assessment Lien and/or any other debt or obligation due to the City under State or local law).

PLEASE NOTE: Security deposits cannot be waived.

- **INDEMNITY AGREEMENT** - An Indemnity Agreement must be executed and notarized with an original and legally authorized signature and, if a corporation is the applicant or the application is filed on behalf of a corporation, the company seal must be affixed to the document. The Agreement must be submitted no later than fourteen (14) days prior to load in of the event.
- **INSURANCE REQUIREMENTS** - The City of Miami Beach must be named as an additional insured and policyholder on all insurance certificates issued for the event.

All insurance policies must be issued by companies that are authorized to do business in the State of Florida, and have a rating of B+VI or better in the current edition of Best's Key Rating Guide. The Certificate of Insurance must state the time, date, location and name of the covered event, including set-up and breakdown day(s), date(s), and time(s). Applicants have the option of submitting a Certificate of Insurance for each policy year.

The City of Miami Beach reserves the absolute right at its sole discretion to increase these requirements, as necessary, to protect the interests of the City, including an increase in the amount and type of coverage required, depending upon the scope and nature of the special event.

- **Commercial General Liability** - Commercial General Liability insurance, on an occurrence form, must be obtained in the amount of at least \$1,000,000 per occurrence for bodily injury, death, property damage, and personal injury. The policy must include coverage for

contractual liability.

- *Worker's Compensation And Employer's Liability* -Contractors must submit proof of Workers' Compensation and Employer's Liability in the form of a Certificate of Insurance. All other State regulations apply.
- *Liquor Liability* - If alcoholic beverages are to be sold or served at the event, the group or individuals selling or serving the alcoholic beverage must obtain Liquor Liability Insurance in the minimum amount of \$1,000,000. The sale of alcoholic beverages must be in compliance with the Liquor Control Regulations of the Code of the City of Miami Beach.

The City's Risk Manager must approve the Certificate of Insurance. Once approved, the Certificate will be kept on file in the City's Risk Management Division. The insurance requirements must be met no later than fourteen (14) days prior to load in of the event.

PLEASE NOTE: Insurance requirements cannot be waived.

- **SITE PLAN** - A preliminary site plan must be submitted with the event application. A final site plan must be submitted no later than fourteen (14) days prior to the event.

The site plan must show detailed diagram(s) drawn to scale of the event including: the location of concession booths, portable toilets, dumpsters, public, emergency and accessible routes, location of stages and entertainment and orientation of loudspeakers, locations for electricity and water, generators, lighting towers, A/C units, fenced or walled areas, disability access elements such as accessible parking, accessible paths of travel, accessible portable toilets, and other relevant elements. All generators, lighting towers and A/C units must be fenced in or barricaded to prevent crowds from coming into contact with them. In addition, a narrative describing all temporary installations must be attached for beachfront events. For purposes of herein, "beachfront" is described as seaward of the Coastal Construction Control Line. Once the site plan is approved it cannot be altered without the prior written consent of the City Manager or his/ her designee.

REINSTATEMENT FEE – If required event elements are not submitted within fourteen (14) days prior to load in of event, the Permit Application will automatically be considered denied. The applicant may reinstate the application upon submission of any pending requirements and a Reinstatement Fee equal to the applicable Permit Fee.

PLEASE NOTE: REINSTATEMENT FEES cannot be waived.

B. STEP 2: Internal Review Procedure

All proposed events with projected attendance of 200 persons or greater on public property, or private property where such event would not be incidental generally or without restriction throughout a particular zoning district, will be reviewed by the City's Internal Special Events Committee. The Internal Special Events Committee meets monthly and is composed of representatives from City departments, including, but not limited to Police, Fire, Tourism and Cultural Development, Public Works, Parking, Planning, Code Compliance and Parks Departments. The Committee will review and comment on the proposed site, security, parking, transportation, and any and all other necessary plans for the proposed event. These comments will be incorporated with those received through the neighborhood review process. Tourism and Cultural Development Department staff will indicate the specific requirements the applicant will need to satisfy and the time frame for completing these requirements.

The City Manager will make a final determination on an application for a special events permit within seven (7) days after all special events requirements applicable to the event have been fulfilled. Such requirements must be fully completed by the applicant no later than thirty (30) days prior to the event. Some requirements may require more time.

No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

For special events produced by **501(c)(3)** not for profit organizations (or equivalent), the City Manager may waive permit and application fees, including but not limited to, rental fees for particular City properties, when such waiver is found to be in the best interest of the City. No waivers are allowed for personnel-based expenses (city services), security deposit, late application or late submittal fees. In determining waiver of permit fees, no consideration may be given to the message of the event or content of speech, or to the identity or associational relationship of the applicant. Non-profit 501(c)3 entities are required to provide the City with a copy of the most recent Internal Revenue Service Form 990.

- I. **Major Event Periods (MEP)** – The City first evaluates the City's needs, impacts and quality of life issues during MEP's. The City will then also specifically evaluate the impact of events proposed to take place during holiday weekends and major event periods, which create a significant demand on City services and resources. The City may determine an MEP to have high intensity on City services and, therefore, may prohibit the issuance of special events permits during these periods. The City may also determine that enhanced City services are required during such periods. In such instances, costs for enhanced services will be shared equally by and between all permitted events.

The City has identified the following repeat or somewhat regular event periods which historically have a high impact on City services. It is realistic to expect these activity periods to continue to be popular in Miami Beach, bringing large crowds that will require additional City service levels and interagency support. These MEP's include, but are not limited to, the following:

- October - Halloween, Auto Show
 - November -Sleepless Night, NASCAR Championship Weekend, White Party Weekend
 - December – Art Basel, New Years Eve
 - January - NCAA Bowl Games, Art Deco Weekend, NATPE
 - February - Miami International Boat Show, Brokerage Yacht Show, Food & Wine Festival, and Super Bowl
 - March - Winter Music Conference, Winter Party
 - April – Pride Weekend
 - May - Memorial Day Weekend, Aqua Girl Weekend
 - July - Independence Day Celebration, Swimwear Fashion Week
 - September - Labor Day Weekend
- **The Major Events Committee** will take note of announced events and potential events of significance and initiate customized action plans. Each City department has specific action plans to address the requisite levels of service and outline their efforts and responsibilities associated with any upcoming major event planned within the City.
- **Major Event Plan** - The Major Event Plan attempts to address the impact of an event and set forth the action plan involved from a preparation and implementation perspective and sets forth each City Department's service levels contingent upon anticipated population levels associated with each MEP and ancillary/related events.

- II. **Criteria for Grant of Special Event Permit** - The City Manager shall be charged with the responsibility and authority to determine whether a particular applicant shall be granted a special event permit. The City Manager shall have sole authority, subject to the appeal process in STEP 3 of the Guidelines, to approve, approve with conditions, deny, and/or revoke a special event permit upon considering the following factors:

1. Type of Event

- a. The type of Event covers aspects of the event that relate to what demands the City is likely to experience and/or numbers of attendees can be expected. Other positives or negatives may stem from the hosting of one show versus another. Community profile, reoccurrence, and nature of the venue all are components to be evaluated in the Type of Event category.
- b. Another important aspect of is the value of ancillary events and conferences that may surround the event (other smaller shows / events). These may or may not be side events directly managed, or a part of, the event under review, or may be shows and conferences from other sponsors that take advantage of the attendee population of the main show. The venues for these other ancillary shows could be local hotels, arenas and parks, in support of the large event. Side events of this type may be considered a positive, from the additional economic impact they may provide, or they may be considered a detriment, depending on the nature and history of these side events.
- c. Whether or not the event is conducted for an unlawful purpose and/or in violation of Federal, State, County or Municipal laws.
- d. The existence of conflict or interference with another event or another applicant who has obtained a valid special event permit. When there are competing applications which are substantially for the same time and place, priority will be given on a first-come, first-served basis, but a first priority will be given to a pre-established, annual event, which is defined as one which has a minimum of five (5) consecutive years of existence in the City under the same ownership, is in good standing (which includes being current on all prior debts), and has complied with other applicable all obligations to the City in a timely fashion.
- e. Whether the event, if public (as opposed to a private or corporate use), features a public benefit component as its primary function and is not, in and of itself, largely a promotional use designed to advertise or create publicity for product(s) to the public.

2. Economic Impact to the City

- a. The City will consider the event's long-term, short-term, and indirect effects on profit/costs to local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City.
- b. The City will also consider events undertaken by not-for-profit organizations that demonstrate directly helping a charitable cause.
- c. An Economic Impact Survey is required to determine if an event has demonstrated a positive economic impact to the City.

3. Infrastructure and Service Demands (Quality of Life)

- a. The City will consider whether the event is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.
- b. The City will consider whether the event poses a public threat to residents, businesses, and visitors, not considering content of speech, message, or reaction to the message.
- c. The stress that a show may place on various City services is considered in the evaluation process. Expenses associated with additional crowd control, policing, security, parking, and traffic shall be considered.
- d. The City will also consider the availability of these needed resources including time, people, money and equipment.
- e. Additionally, more intangible aspects of the effects that an event may have, relating to the

quality of life aspects that may positively or negatively impact the local flavor of the City and the lives of the resident population, are also considered in this area, including the urgency of the event, the realistic time frame, and other events taking place in the City and South Florida area at the same time.

- f. Interference with traffic in the area contiguous to the event, and availability at the time of the proposed event of sufficient City resources to address the events potential impacts and mitigate the potential disruption.
- g. Availability of police officers, traffic control aides and traffic control equipment to protect the participants in the event and protect the non-participants from traffic related and other hazards in light of the need and demand for police protection at the time of the proposed event.
- h. Concentration of persons, vehicles or other structures at the event and feasibility of disbanding the area in order to allow fire, police and ambulance services.
- i. Substantial likelihood of subjecting neighborhood in immediate vicinity of proposed site of event to unreasonable and prolonged noise, littering, or parking difficulties.
- j. City services required for the event cannot be reasonably made available at the time of the proposed event.

4. References

- a. The event shall provide references from other locations that it has used. The evaluation should consider not only the references themselves but the quality of the references and the sources from which they come. A list of references that cover not only the previous venues for that event, but also the references from that City, its police and any civic organization that the past venue impacted showing the good citizenship and positive economic impact the event has had in other places where it has been held.
- b. Whether same or similar event has a history of causing or resulting in a threat to public safety in Miami Beach or elsewhere, except that if the public safety problem was caused by crowd reactions to the event's message, this factor alone, shall not be sufficient cause to deny or revoke a City special event permit.
- c. Material misrepresentation or incorrect material information made in the application process. Prior to a denial or revocation based on this factor, the City Manager shall give the applicant an opportunity to cure, satisfactorily rebut, or revise such evidence.
- d. Failure to complete payment of any sums required for a previous event until such time as payment is received.
- e. Failure to substantially perform a clean-up plan which was made a condition of a previous permit.
- f. Failure to adhere to City policy as prescribed by the Special Events Requirements and Guidelines, or other applicable laws where the health, safety and welfare of the community is potentially affected.

5. Promotional Value

- a. Is the event under consideration a high profile event with good name recognition and a good reputation? The evaluation must try to assess the importance of having the City and the event linked in the press. All positive results that may be derived from the association should be considered. It may be that the value of having the event lies in the other high profile events that traditionally follow this one.

- b. Also, positive publicity surrounding a high profile event may have had the effect of long term increases in local tourism and free positive publicity for the area as a whole, increasing general business activity.

6. Enhanced Staffing Periods

- a. During periods of enhanced or unavailable staffing of City resources (Police, Fire, Code, Sanitation, etc.), The City has not accept applications for new events on public property. Such periods include the month of March, which coincides with college and high school spring break and existing events Winter Music Conference (and with it, the related Ultra Music Festival events), Winter Party, Miami Beach 13.1 and Funkshion Fashion Week.
- b. Some successful events held on private property during such periods may outgrow the capacity of the property and have a need for the City to consider allowing the event to expand onto public property in order to remain viable in The City. In an effort to maintain existing business, the City shall consider the following additional criteria in considering requests:
 - Whether or not the event producer has had a successful track record of obtaining special event permits and producing events in the City for no less than five (5) years with special event permits in a private venue and is in need of expansion.
 - Such applications would be considered on a first-come, first-serve basis, until such resources are no longer able to be reserved.
 - The event(s) could not occur concurrently on both private and public property.
 - The City will consider the event's long-term, short-term, and indirect effects on local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City.
 - The City will consider whether the event is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.
 - The City will consider the stress that such an event may place on various City services with expenses associated with additional crowd control, policing, security, parking, and traffic to be borne by the event producer.
 - The City will also consider the availability of these needed resources including time, people, money and equipment.
 - City services required for the event can be reasonably made available at the time of the proposed event.
 - The event must be approved by a 4/7 vote of the entire City Commission.

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner and place on account of any message which may be conveyed at an event, or on account of the identity or associational relationships of the applicant.

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner, or place on account of any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event, provided that reasonable accommodation as to time, manner and place may be required in order for the City to provide the resources necessary for protection of health, safety and welfare.

No event applicant or permittee, shall be required to provide for, or pay for the cost of, public safety personnel necessary to provide for the protection of an event and its attendees from hostile members of the public or counter-demonstrators, or for traffic control outside the event area or for general law enforcement in the vicinity of the event.

- III. Criteria for Approval of Permit** - After all required elements are completed, and City Departments and impacted neighborhoods have reviewed and submitted their comments regarding an application, the City Manager shall do the following:

- Approve the permit;

- Approve the permit with conditions; or
- Deny the permit upon conditions (as set forth in these Guidelines).

If the permit is approved, the City Manager, in consultation with the heads of the affected City Departments, shall also impose any necessary restrictions or conditions as to the time, manner and place to be observed in accordance with public safety, environmental and administrative considerations (based upon the application), provided that such considerations shall not include any consideration of the content of any speech or message that may be conveyed by such event, nor by any considerations concerning the identity or associational relationships of the applicant, nor to any assumptions or predictions as to the response that may be aroused in the public by the content of speech or message conveyed by the event.

After the City Manager approves the issuance of a permit, the applicant may obtain such permit by agreeing to accept the "Terms and Conditions" imposed in accordance with these Guidelines.

If the City Manager denies or subsequently revokes a permit, he will provide the applicant/permit holder with written notification and reasons for the denial/revocation of the permit (which shall be consistent with the criteria in these Guidelines). It is understood and inherent as part of the application process and agreed to by applicant upon submittal of the application, that application does not constitute approval and any and all marketing or production expenses incurred are solely the responsibility of the applicant and not the responsibility of the City regardless of the application's approval or denial.

IV. *Natural Disaster/Weather* - The declaration of an emergency, threat or a natural disaster, including extreme weather or the existence of a national threat, shall be just cause for the denial or revocation of a Special Event Permit.

Under extreme weather conditions, including lightning storms, the City may temporarily suspend all operations or cancel an event.

C. STEP 3: External Review Procedure

Special events in the City of Miami Beach are subject to review and recommendation by the corresponding neighborhood or business association(s) and/ or as part of a monthly Special Events Community Review. Signature Surveys may also be required for properties deemed to have a direct impact by the event activities. Applicants will be required to present their plans to the appropriate neighborhood association. In the case where there is no legally constituted/recognized association and the expected event attendance exceeds 200, the matter may be referred to the City of Miami Beach Planning Board for review and recommendation. Recommendations from the respective associations or the Planning Board, stating its position on the proposed event, should be submitted to the Special Events Office at least 30 days prior to the event.

The City will only recognize neighborhood associations that have filed for and received official neighborhood status. In order to receive official neighborhood status, organizations must meet the City's criteria. The City's criteria and a list of recognized neighborhood associations can be found on the City's website at www.miamibeachfl.gov.

The City Manager shall consider recommendations from neighborhood association(s) in determining whether to grant a Special Event Permit or what conditions to impose upon granting of the permit. Notwithstanding, the City, through the City Manager, reserves the right to approve, approve with conditions, deny, and/or revoke any Special Event Permit.

Permits may not be transferred, assigned or sublet, without prior written approval of the City Manager. The final decision for authorization of a Special Event Permit remains with the City Manager subject to an appeal as follows.

In the event of a lack of consensus between the neighborhood association(s) (or Planning Board) and the City Manager regarding a decision on a permit, the association(s) (or Planning Board) may appeal the Manager's decision to the Mayor and City Commission for consideration at its next available meeting. The appeal must indicate in writing the association's (or Board's) reasons for disagreement with the Manager's decision in approving or denying the permit being appealed. Such appeal also must be accompanied by a written resolution of a majority of the board of the association (or the Planning Board) indicating the decision to file the appeal. The Mayor and City Commission may affirm, modify or reverse the decision of the City Manager.

If the date scheduled for the proposed event arrives before the next available Commission meeting, the decision of the Manager will be final. If approval of the proposed event is delayed such that the event cannot be held on the date(s) and time(s) specified in the permit application, or if the event is not approved at all, the City will not be held liable for any expense(s), losses, or liabilities or other inconveniences incurred by the applicant as a result of same.

D. STEP 4: Coordination of City Services

Special events often require the supplementing or hiring of City services. The City's Special Events Office will review comments received during the internal and external review processes and will determine minimum staffing levels, with recommendations from the relevant Department directors. The City may also determine that enhanced City services are required during Major Event Periods (MEP's) in order to mitigate excessive stresses on City resources. In such instances, costs for enhanced services will be shared equally by and between all permitted events. The City assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

A list of frequently required services is provided herein.

Fully paid receipts/invoices for required supplemental or City services and equipment rental must be submitted to the Special Events Office no less than two (2) weeks prior to an event. Any additional services rendered by the City for the event will be charged to the applicant and may be deducted from the security deposit. When City personnel are employed, there will be a four (4) hour minimum charge rendered by the appropriate Department to compensate each employee engaged by the applicant.

II. ADHERENCE TO REGULATIONS AND OTHER POLICIES

The City of Miami Beach reserves the right to provide services that it believes are necessary and sufficient to safeguard and ensure the health, safety and welfare for all participants, visitors, businesses, staff and general citizenry. All arrangements for services or facilities shall be staffed and paid for at two (2) weeks prior to load-in of the event. An applicant's budgetary constraints cannot dictate staffing levels required for public safety.

In addition to compliance with all applicable Federal, State and County regulations, the applicant shall comply with all City codes, regulations, and laws. Any other permits, as may be required by the City of Miami Beach, Miami-Dade County, the State of Florida, or the Federal government, must be obtained and adhered to. It is the sole responsibility of the applicant to obtain all permits and comply with all requirements, including but not limited to those described herein.

The City of Miami Beach, under no circumstances, guarantees, warrants or represents that the issuance of a Special Event Permit exempts the event from obtaining, or ensure the obtaining of, any permits or complying with any requirements which may be required currently or in the future by any Federal, State or local authorities, including other permits that may be required by the City.

The City Manager has the authority to alter or end an event at any time it is determined necessary to assure the continued health, welfare and safety of the City's residents and visitors. Lack of compliance with the City Manager's directives, including but not limited to, audio volume and adherence to site plan, shall be sufficient cause to warrant an event's closing (or other remedies provided in the City Code or

herein).

Issuance of a required Federal, State, or local permit does not authorize permission to hold an event. A City Special Event Permit must be issued to constitute authorization from the City to hold the activity.

All pre-payment schedules for City services are due, as indicated, except the City reserves the right to waive this requirement for events which have an exemplary prompt payment history with the City established over the course of at least five (5) years.

- A. Vehicle Access Policy – Use of beaches, parks or pedestrian areas for event related vehicles should be minimized, and whenever possible,** All Terrain Vehicles (ATV's), all terrain gators, and/or golf carts should be utilized by event producers for events taking place on the beach or in pedestrian areas such as parks. Notwithstanding the above, certain events taking place on the beach, in parks or other authorized use areas may require vehicular access for the purposes of loading-in and out of equipment for the event, all such vehicles must be removed from such areas immediately thereafter. There is a vehicle access fee of \$150.00, per vehicle, per event. Event producers may purchase a maximum of ten (10) Vehicle Access Permits per event, unless additional passes are approved by City Manager or his/ her designee. A Vehicle Access Permit will be issued by the Special Events Office and must be displayed on the windshield of every vehicle on the beach. For any beach access, all such vehicles must be escorted on and off the beach by either City of Miami Beach Police, Off-Duty Police or Ocean Rescue. All other authorized access uses (i.e. in City parks) may require escort by City of Miami Beach Police, Off-Duty Police, Ocean Rescue or other designated City employee(s). All vehicles will be restricted to the location(s) listed on the permit.

All operating vehicles on the beach, park or other authorized use area shall follow the procedures listed herein:

- Due care and caution will be utilized at all times while driving any vehicle on the beach, park or other authorized use area.
- All vehicles on the beach, park or other authorized use area shall enter and depart the area beach at the nearest access point to the call.
- Prior to entering the beach, park or other authorized use area, vehicle headlights and overhead flashing lights (if equipped) or flashers will be turned on.
- Drivers must turn off radios and shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach, park or other authorized use area.
- Maximum speed allowed on the beach, park or other authorized use area is 5 MPH.
- Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where hard pack sand exists.
- Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack sand** at all times.
- Do not drive over hills or berms (dunes) or near objects that may obstruct your view.
- If you stop and exit your vehicle, walk completely around the vehicle prior to reentering your vehicle and moving it.
- Traffic cones (orange, 18" high) must be placed at the front and rear of vehicles when parked on the beach, park or other authorized use area.
- Use of a cellular phone or walkie talkies while the vehicle is in motion is **prohibited**.
- Personal vehicles are prohibited on the beach, park or other authorized use area at all times.

These procedures are to be complied with at all times by anyone operating a vehicle on the beach, park or other authorized use area. Failure to comply with these procedures may result in immediate revocation of the permit and termination of the event.

- B. Booking Policy -** Public locations are booked on a first-come, first-served basis, but a first priority will be given to pre-established, annual events, which are defined as those events having a minimum of five (5) consecutive years of existence in the City under the same ownership; which are in good standing (which includes being current on all prior debts); which have complied obligations in a timely fashion to the City; and which have demonstrated a positive economic impact on the City of Miami Beach.

A special event shall not be booked if it interferes with a previously scheduled activity, event or repair work scheduled for the proposed site. The City Manager may take into account simultaneously occurring events in the region or other factors that would impact the City's capability to host an event before approving an event.

Dates and locations are reserved on a first-come, first-served basis upon submission of a completed Special Event Application and payment of the Application Fee. Applications are NOT considered as confirmed until all required documentation and payments, as specified in the City's Special Event Requirements and Guidelines, are received by the City.

Dates and locations may be reserved on a Second Hold basis by another applicant if the Second Hold applicant's event is the same or higher level of class of event as the First Hold applicant's event (see Section VII, Special Event Class Matrix, for breakdown on classes of event permits and their respective requirements). A Second Hold applicant may challenge a First Hold application, assuming the First Hold applicant is not a pre-established annual event with a minimum of five (5) consecutive years of existence in the City under the same ownership, if the City has not received all required documentation and payments, as specified in the City's Special Event Requirements and Guidelines from the applicant of the First Hold and only when the Second Hold applicant posts a cash bond in the amount equal to the estimated cost of City services at the time of the date challenge. If a Second Hold application provides this and requests a challenge of the First Hold applicant, the First Hold applicant will be required to post a cash bond in the amount equal to the estimated cost of City services (i.e. Off-duty Police, Off-duty Fire and Sanitation, etc...) within fourteen (14) days of receipt of notice from date/location challenge from the City.

If the First Hold applicant fails to provide the City with the specified cash bond within 14 days of receipt of notice, the Second Hold applicant will then have a First Hold on the dates and location.

If both parties fail to post a cash bond, the dates and location are released and will be made available on a first-come, first served basis.

Bonds: All bonds MUST be either an original bond executed by a surety company, or by cash, money order, certified check, cashier's check, Unconditional Letter of Credit (Form 00410), treasurer's check or bank draft of any national or state bank (United States), in the amount equal to the estimated cost of City services (i.e. Off-duty Police, Off-duty Fire and Sanitation, etc...), payable to City of Miami Beach, Florida, and conditioned upon the successful execution of the special event. Security deposit of the event producer shall be applied toward the costs of City services (off-duty police, off-duty fire, sanitation, etc.) hired by the event producer for the special event, or may be forfeited to the City of Miami Beach as liquidated damages, not as a penalty, for the costs and expenses incurred should said event producer fail to execute the special event as specified in the Special Event Application and Permit. The time for execution of the special event and provision of the Bond may be extended by the City's Tourism and Cultural Development Director for good cause shown.

- I. *Consecutive-Day Clause/ Limit of permissible events per venue*** - In no case shall a permit be issued to an applicant or venue, for substantially similar events, for more than four (4) consecutive days or five (5) non-consecutive days each during the course of a calendar year. A separate Special Event Permit shall be required for each individual venue of a multi-venue event. Certain public locations are appropriate for special events, but do not have certificates of use and occupancy defining their use. Such locations shall not be limited to the five (5) non-consecutive days per year limitation.

Venues are limited to five (5) special event permits per calendar year. Citywide special events and conventions including, but not limited to, Art Basel, Winter Music Conference, and Miami International Boat Show, shall not count against this 5 special event permit annual limitation.

Business or merchant associations are permitted to have events throughout the calendar year that promote and encourage patronage of the businesses in the geographic boundaries of the association. These events may NOT be retail oriented and MUST be free and open to the general public. A Special Event Permit may be required for such events and shall be obtained by the association. Such approvals shall abide by the City's Special Events Requirements and Guidelines.

The City Manager shall have the discretion to approve a Special Event Permit for events which exceed the consecutive day clause/ Limit of permissible events per venue, and shall also have the discretion to amend, modify or temporarily suspend the permit for such events.

- C. Concession Agreements – Unless calculated Square Footage fee (see D) is greater,** all events which include retail sales or vending will be required to enter into a written concession agreement with the City. Beachfront and non-beachfront events shall provide 15% and 10% respectively of all gross revenues derived from admissions and the sale of food, beverages, and merchandise. In the case where a producer rents booths for the sale of food, beverage and merchandise, the gross rate shall be calculated on the rental and/or concession revenues received by the applicant or the gross revenue generated by the concessions regardless of whether the applicant derives direct or indirect financial gain from such revenue. Copies of concession agreements and full disclosure of all principals must be provided to the Special Events Office two (2) weeks prior to the event.

A notarized statement, certified by a Certified Public Accountant (CPA), of the above referenced revenue, along with payment of the aforementioned percentage, must be provided to the City no later than thirty (30) days following the event. The Security Deposit on file will not be released until such statement and payment have been submitted to and accepted by the City.

Under the terms of the agreements between the City of Miami Beach and its beachfront concessionaires , there exists exclusivity for rental of beach equipment, water and recreational equipment, food and beverage service on the beachfront, east of the coral rock wall at Pier Park (Biscayne Street to First Street); and east of the sand dune in Lummus Park (from Fifth Street to Fourteenth Lane); Ocean Terrace (73 Street to 75 Streets); and North Shore Open Space Park (79 Street to 87 Streets). Additionally, the City may enter into additional agreements in the future with beachfront concessionaires for other beachfront locations seaward of City-owned property and/or seaward of street-ends at public right-of-ways. Any proposed special event to be held on the beach within one of the aforesated concessionaire's jurisdiction is subject to review by the concessionaire. Notification to the concessionaire by the applicant must be in writing at least 60 days prior to the event. A copy of the applicant's agreement with the concessionaire or a letter of release from the concessionaire must be submitted to the Special Events Office at least thirty (30) days prior to the event.

Up-land Concession Areas – The City issues licenses to operate beachfront concessions to up-land property owners (areas located behind private property) from Government Cut to 87 Terrace. A written release from upland owner concessionaires is required for events proposed behind private property that may interfere with these up-land concession areas and must be submitted to the Special Events Office at least thirty (30) days prior to the event.

- D. Use of Public Property – Unless Concession Agreement (see C) is greater,** permit holders will be charged a net square footage rate of \$.25 per square foot for public property occupied by the event for stages, booths, displays or areas restricted for exclusive use by the event. The Square Footage Fee will be calculated in the following manner:

Enclosed Site: Aggregating the square footage of the total fenced area.

Non-enclosed Site: Aggregating the square footage of the individual fixtures of the event (i.e. stages, booths, tents, display areas, bleachers, etc...).

The City Manager may, in his/her discretion, waive this fee for events by not-for-profit corporations, or other event, when such waiver is found to be in the best interest of the City. In the case that the permit holder is operating under a concession agreement with the City, the net square footage rate may not be

applicable.

E. Event Signage - Sponsorship banners and signage are allowed within the designated event site only and may be displayed only during the event. Banners must be immediately removed from the site following the event.

- I. **Special Event Billboard Signs** - Up to five (5) banners or billboard signs with a maximum size of 4'x8' may be approved for placement in designated public locations in the City. These signs are required to obtain Design Review approval from the Planning Department. A City application must be submitted to the Planning Department, no later than 60 days prior to the event. A Building Permit is also required prior to installation.
- II. **Street Banners** -- Event advertising banners shall not extend or project over any portion of any street, or right-of-way.
- III. **Lightpost Banners** -- Lightpost banners are permitted in the City when approved by the Planning Department and the City Manager for special events taking place in the City of Miami Beach, and by the City Commission, for special events held outside of the City of Miami Beach. The application process begins at the Planning Department for Design Review approval no less than 90 days prior to the special event. Approved lightpost banner design with the banner locations are then forwarded to the Special Events Office. A \$50.00 per banner fee (\$25.00 per banner fee if applicant is a 501(c)(3) or other equivalent non-profit organizations and verified by state records) and \$50.00 processing fee will apply. Lightpost banners on State Roads (i.e. 5th Street, Collins Avenue, 41st Street, etc.) require an additional permit from the Florida Department of Transportation.

F. Grandfather Clause

Notwithstanding the requirements described herein, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered-in" solely for purposes of the following items and shall not be subject to these conditions:

- Square footage fee;
- Lummus Park user fee;
- Street closure sign-off requirement;
- Concession Agreement and User Fee; and
- Security Deposit (Security Deposit will remain at \$2,500).

G. Resort Tax

All events that include sales of food, beverages, alcoholic beverages, or wine are required to levy a two percent (2%) tax, as per Miami Beach City Code Chapter 102, Article IV. A copy of the aforementioned section of the City Code and the Special Event Resort Tax Return forms are available through the Special Events Office. It is the responsibility of the event producer to collect, complete the form and remit payment to the City.

H. Sponsorship Requirements

The following is a list of publicity and credit requirements for events or programs receiving financial or in-kind support from the City of Miami Beach:

- Prominently display City of Miami Beach logo in all promotional marketing materials related to the event/program including, but not limited to, advertisements, brochures, websites, e-mails, newsletters, banners, posters, event programs, and other print and/or electronic publications.
- Include the following credit line in all print news and press releases and broadcast media: "This event/program made possible with support from the City of Miami Beach" and include a quote from City of Miami Beach Mayor.

- One full page full color ad in program guide
 - Website link to www.miamibeachfl.gov.
 - Events/programs offering travel packages will also provide a link for to the following websites:
 - www.visitmiamibeach.us
 - www.miamiandbeaches.com
 - On-stage signage in a prime location (if applicable).
 - Provide a booth/display area at all events (if applicable).
 - Live announcement(s) during the event by emcee.
- All complimentary tickets provided by an event/event producer shall be consistent with the City Commission established policy for the distribution of tickets and the City's Administrative Guidelines for Distribution of any tickets.

The City reserves the right to negotiate additional terms if in-kind and financial support is in excess of \$25,000.

III. **Enforcement and Penalties.**

- (a) Civil fine for violators. The following civil fines shall be imposed for a violation of this section:
 - (1) First offense within a 12 month period a fine of \$1,000.00;
 - (2) Second offense within a 12 month period a fine of \$2,500.00; and
 - (3) Third offense and subsequent offenses within a 12 month period a fine of \$5,000.00.
- (b) Enforcement. The code enforcement department or the Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If a Miami Beach Police Officer or a Code Compliance Officer finds a violation of this section, the Miami Beach Police Officer or the Code Compliance Officer shall issue a Notice of Violation to the violator as provided in chapter 30 of this Code, as may be amended from time to time. The Notice of Violation shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.
- (c) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.
 - (1) A violator who has been served with a Notice of Violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the Notice of Violation; or
 - b. Request an administrative hearing before a special master to appeal the Notice of Violation within 10 days of the issuance of the notice of violation.
 - (2) The procedures for appeal by administrative hearing of the Notice of Violation shall be as set forth in sections 30-72 and 30-73.
 - (3) If the named violator, after issuance of the Notice of Violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the Code Compliance Officer or the Miami Beach Police Officer. Failure of the named violator to appeal the decision of the Code Compliance Officer or the Miami Beach Police Officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master, and be treated as an admission of the violation, and fines and penalties may be assessed accordingly.
 - (4) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

(5) The Special Master shall adjudicate a violation upon failure to request an administrative hearing with ten (10) days of the issuance of the Notice of Violation, and shall be prohibited from hearing the merits of the Notice of Violation or consideration of the timeliness of the request for an administrative hearing.

(d) Enhanced penalties.

The following enhanced penalties shall be imposed, in addition to any mandatory fines set forth in (9)(a) above, for violations of this Section:

(1) If the offense is a fourth offense within the preceding 12 month period of time, in addition to the fine set forth in (9)(a), the property owner, event producer or permittee shall be restricted from receiving a Special Event Permit for a three (3) month period of time.

(2) If the offense is a fifth offense within six (6) months following the fourth offense, in addition to any fine set forth in (9)(a), the property owner, event producer or permittee will be restricted from receiving a Special Event Permit for a six (6) month period of time. The property owner, event producer or permittee shall be deemed a habitual offender.

(3) The City Manager may decline to issue future Special Event Permits to such person or entity that have been deemed habitual offenders pursuant to this section for a period of one year, or such other period of time acceptable to the City Manager.

(e) Violations of a Special Events Permit

An issued special events permit will have terms and conditions intended to be followed by the event producer and/or permittee, unless specific arrangements are made only by the City Manager or his/her designee, in writing, after the event permit is issued. Should such conditions and/or arrangements be disregarded by the event producer and/or permittee, his or her vendors or participants, whether witnessed by City personnel or established by photographic or other evidence or testimony afterwards, the producer and/or permittee would be in violation of the special event permit and be subject to enforcement proceedings as provided by City Code and/or these guidelines.

With the exception of violations for which no correction is possible (e.g. noise violation, commercial handbills, event without a required permit, etc.), if the violation is observed by City staff during the special event, the event producer/permittee will be given a time-certain opportunity (30 minutes or other time period as specified by the City Manager or designee) to correct the violation. Notwithstanding, the City retains discretion to proceed directly to the issuance of a notice of violation if the violation is egregious and/or violates conditions expressly provided for in the permit, or if a prior verbal warning for a violation of the Special Event Permit has already been provided. Multiple violations shall be treated as one instance when simultaneously observed. Examples of special event permit violations may include, but are not limited to the following, unless specified by the special event permit: violation of the noise ordinance; unauthorized use of public space; use of unpermitted structures or event elements; improper utilization of the Vehicle Access Pass policy; violation of Conditional Use Permit (CUP) approvals or conditions; violation of Florida Department of Environmental Protection (DEP), Miami-Dade Environmental Resource Management (DERM) or Florida Department of Transportation (FDOT) conditions; violation of regular or temporary occupant load; unauthorized use of branding, promotional activities or sampling; damaging public property without prior approval; or inability to effect proper sanitation plan. Any event that takes place without a special event permit or in an area that is ineligible to obtain a special event permit (e.g. specified non-conforming uses) cannot by its nature be corrected and must be cited and shut down immediately.

The City may issue a verbal warning for first time violations in lieu of a first offense fine.

Such fines are in addition to and separate from any violations issued by the City for noncompliance with other sections of the City Code. The event security deposit will be held until the appeal period has lapsed, the Special Master has made a determination on the case or to satisfy unpaid fines. The City may increase the security deposit requirement for any issued or future permit. The City reserves its rights to pursue alternate enforcement proceedings and penalties as provided for and allowed by law.

IV. CITY OF MIAMI BEACH AGENCIES

A. Building Department

- I. ***Building and Electrical Permits*** - Pursuant to the South Florida Building Code, the City's Building Department must issue a building permit for all special events involving temporary construction or the use of temporary electrical power., Examples of temporary construction include, but are not limited to, freestanding tents, stages, fences, bleachers, and electrical. The applicant must present a copy of the Building Permit to the City's Special Events Office at least fourteen (14) days prior to the event.
- II. ***Americans with Disabilities Act*** - All special events must be designed and operated in a manner to be in compliance with Chapter 553, Florida Statutes (the Florida Accessibility Code). The following checklist is provided for guidance as to how compliance must be achieved:
 1. Ensure curb cuts and cross walks are kept free and clear for usage, with a continuous accessible route of 44 inches in width.
 2. The Event producer must ensure that any nearby accessible on- or off-street parking ("handicapped parking") is not obstructed by vehicles loading/unloading equipment, etc. If such obstructions occur, the Event producer must see that such obstructions are removed immediately. Accessible parking spaces shall be connected to the site's continuous accessible route, with no obstructions between the accessible parking spaces and the curb ramps that serve those spaces.
 3. Any and all accessible routes created and/or installed by the Event producer, or under the Event producer's supervision, must have no abrupt change in level in excess of ¼ inch. Where such changes in level are present, properly bevel the change in level at a 1:2 ratio or provide a ramp with a slope not to exceed a 1:12 ratio. This is necessary to allow passage of wheelchairs or strollers and prevent tripping or the catching of walkers and canes. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
 4. Provide a smooth transition between temporary pathways and any ramps, sidewalks, streets, or parking lots. This means no change in level exceeding ¼ inch. Any change exceeding ¼ inch requires beveling at a 1:2 ratio or the installation of a ramp with a slope not to exceed a 1:12 ratio. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
 5. All cashier counters (counters where money transactions occur) must be no higher than 36 inches maximum above finish floor, for a minimum length of 36 inches.
 6. Maintain an accessible route for access to merchandise that is both within a vendor space, as well as merchandise not contained within a vendor space. If the overflow of merchandise for patron viewing is placed behind a booth, then provide adjacent access to the merchandise via a curb ramp, as well as the placement of a pathway with a stable and firm surface necessary for the use of wheelchairs and mobility aids.

7. Merchandise for display should be within a line of sight no higher than 48 inches for persons of short stature or wheelchair users. If merchandise is displayed higher than 48 inches, merchant must provide assistance to disabled customers in order to reach items.
8. All vendor spaces shall be located on an accessible route that is a minimum of 44 inches wide.
9. If tables and seating are provided for the consumption of food, all aisles adjacent to accessible fixed seating shall provide 30 inch by 48 inch clear floor space for wheelchairs. Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.
10. For wheelchair seating spaces provided at tables or counters, knee spaces at least 27 inches high, 30 inches wide, and 19 inches deep shall be provided. The tops of accessible tables and counters shall be from 28 inches to 34 inches above the finish floor or ground.
11. Where food or drink is served at counters exceeding 34 inches in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be provided in compliance with the requirements of Items #9 and #10 above, or service shall be available at accessible tables within the same area.
12. Where portable toilets are provided, an accessible route shall be provided to the toilets. Five percent (5%) of the total number of toilets must be accessible. If clusters of portable toilets are distributed throughout the site, then each cluster must have accessible units.
13. If general assembly seating or standing space is provided for audience members attending a public performance at a special event, reserved wheelchair seating must be provided. Such seating must be provided in a location that allows wheelchair users an unobstructed line of sight to the stage. If seating capacity accommodates greater than 300 persons, then accessible seating shall be dispersed throughout the venue.
14. All flyers and written promotional materials for the event should be made accessible to people with disabilities, including those with hearing and visual impairments. It is recommended that the following statement be included on promotional materials: "Call [your number followed by word "voice"] or the Florida Relay Service (TTY) at 711 to request material in accessible format; sign language interpreter (5 days in advance), or information on access for persons with disabilities". Sign language interpretive services must be provided, if requested by the City five (5) days in advance of the event.
15. For performers who are disabled, all stages, show mobiles and dressing areas must be accessible.
16. All ADA considerations must be identified and detailed on the site plan. The site plan will be submitted to the Building Department Accessibility Plan Reviewer for approval.

B. Code Compliance

- I. **Field Inspector** – The City may require the applicant to hire a Field Inspector and/or a Code Compliance Officer to serve as an overall on-site coordinator, whose responsibility will be to ensure that all services are provided, the event runs smoothly, and that all Federal, State and local rules, regulations and ordinances are complied with. Special event producers agree and understand that a **Field Inspector and/or a Code Compliance Officer**, which will report to and be under the direction of the City, may be required in order to ensure compliance, as approved by the special event permit, and the conditions imposed with the issuance of such permit. Enforcement includes all activities leading up to, including, and following the conclusion of permitted endeavors. Event producer further agrees and understands that any and all costs associated with such Field Inspector and/or Code Compliance Officer shall be borne by the producer and reimbursed to the City prior to refund of security deposit pursuant to **Section A (VII)** herein.

Field Inspector and/or Code Compliance Officer may be required for events with expected attendance of 1,000 persons or greater. Field Inspector/Code Compliance Officer requirement for all other events will be determined on a case by case basis.

- II. ***Signs (Flyers) & Hand Bills*** - The City regulates the distribution of flyers, handbills or stickers. Specifically, distribution of handbills upon premises of another when requested not to do so is prohibited, and placing or distributing any handbills on vehicles is prohibited as per City Code Sections 46-92 and 82-412. Violations will be issued by Code Compliance for violations on public property and for handbills placed on automobile windshields carrying a fine of \$50 for each sign (flyer) or handbill and a \$23 removal charge per sign.
- III. ***Noise Ordinance*** - The City prohibits unreasonable and disruptive noise that is clearly incompatible with the normal activities of certain locations at certain times. Both the Miami-Dade County Noise Ordinance, Section 21-28 of the Code of Miami-Dade County, and City of Miami Beach Noise Ordinance, Article IV, Sections 46-151 to 46-162, are applicable and enforceable to both public and private property within the City. These Ordinances make it unlawful for any person to make, continue or cause to be made any loud, excessive or unusual noise. If the excessive noise occurs between the hours of 11:00PM and 7:00AM in such manner to be plainly audible at a distance of 100 ft from the building, structure or vehicle in which it is located, this shall be prima facie evidence of a violation of the Ordinances.

If a noise violation occurs, the enforcing Code Compliance Officer will require that the noise be lowered to an acceptable level. Failure to comply with a request from the Department of Code Compliance concerning violation of the Ordinances may result in the immediate revocation of a Special Event Permit and/or immediate cease and desist of event activity.

C. Fire Department

- I. ***Off Duty Fire & Paramedic Services*** - Depending upon the type of event and estimated attendance, off-duty or private fire rescue personnel may be required at the expense of the applicant. As a general rule, a minimum of one paramedic for up to 1,000 people and two paramedics for up to 5,000 people, and a rescue unit for up to 10,000 people, which consists of 2 paramedics and a team leader, are required. Enclosed events and tents over 400 square feet may require off duty Fire Inspectors depending on the type of event and estimated attendance. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

The final decision for the minimum number of Fire Rescue/Prevention personnel required will be determined by the City's Fire Chief or his/her designee.

- II. ***Enclosed Events Site Plan And Occupant Load*** - Site plans for enclosed events requiring fencing or tenting must be submitted for review and approval to the City's Fire Department. Building Department permits cannot be issued until the Fire Department approves the event site plan. Non-substantial on-site adjustments to site plans may be made in consultation with and approval of the City's Fire Marshal, or his/her designee. The Fire Department requires a 20 foot emergency vehicle access lane between easternmost portion of the sand dune and any fencing or tents for all beachside events.

Enclosed events are required to adhere to an occupancy number, as well as comply with the requirements determined by the City's Fire Department, once site plan is approved. A walk-through to verify that the actual setup meets with the approved plan will be conducted prior to the event opening. Event promoters are responsible for adhering to the determined occupancy number and any violation of the occupancy number can result in penalties and /or fines.

- III. **Fireworks Permit** - All events, public or private, featuring a fireworks display or pyrotechnics must obtain a fireworks permit from the City's Fire Department, which may only be applied for by a licensed and insured contractor. A written request for the permit must be submitted to the Fire Department at least 30 days prior to the event and approved no later than 11 days prior to the event.

Following approval of the permit, the Fire Prevention Bureau will make a site inspection. A minimum of two (2) fire fighters will be required to be on-site from the time the fireworks are delivered at the site, until termination of the display and the removal of all fireworks and debris from the site. Payment for required fire personnel will be the sole responsibility of the applicant and must be made two (2) weeks prior to the event.

The firm or individual responsible for setting up and setting off the fireworks must obtain a Comprehensive General Liability or Fireworks Display Liability Insurance policy (see Insurance Section for language and rating requirements).

- IV. **Open Pit and Bonfire Permit** - Separate permits are required for open pit and bonfires, which may only be applied for by a licensed and insured contractor. Applications for a permit may be obtained from the Fire Department, and must be approved and paid to the City at least two (2) weeks prior to the event. These activities will require hiring off-duty fire personnel. Such activity on the beachfront is subject to Florida Department of Environmental Protection regulations governing heat transference and lighting during Marine Turtle nesting season (May 1- October 31).

D. **Miami Beach Convention Center**

On occasion, events, meetings and/or conventions taking place at the Miami Beach Convention Center (MBCC) may desire extending their production onto Convention Center Drive, between Dade Boulevard and 17 Street, and into the City's Preferred Parking Lot. In such event, the City considers this use an extension of the MBCC premises. As such, all City requirements including, but not limited to insurance, indemnity agreement, site plan, security plan, and sanitation plan will be incorporated into the respective event's agreement with the MBCC and will be coordinated by the MBCC.

The MBCC will complete a special event questionnaire (please refer to attached Appendix C) and provide the Department of Tourism and Cultural Development a copy of all required documentation pertaining to the event for the department file. If street closures are requested, the Department of Tourism and Cultural Development will assist in coordinating this request, as well as all other items as may be required.

E. **Ocean Rescue**

Depending upon the location and type of event, estimated attendance, and hours of operation, off-duty lifeguards may be required. The Captain of the City's Ocean Rescue will determine the minimum number of lifeguards.

F. **Parking Department**

Overall Parking Plan - A comprehensive Parking Plan which identifies where parking is to be provided for event staff, equipment vehicles, and event participants, as well as the location and amount of accessible parking spaces must be developed, in writing, and approved by the City's Parking Director or his designee. Public parking resources may be supplemented with privately owned parking areas to accomplish this plan. All fees incurred through use of Parking Department resources, which may including meter rentals, off-duty enforcement officers or rental of lots, must be pre-paid in full no later than two (2) weeks prior to the event.

- Valet ramping spaces are to be used exclusively for ramping and valet related operations. All other activities are explicitly prohibited.
- Parking meters shall not be used for advertising or marketing related activities, unless associated with a special event as defined herein.

G. Parks and Recreation Department

- I. ***Facilities and Personnel*** - Many City of Miami Beach recreation facilities, amphitheaters, and parks are available for rent during non programmed hours for special events, and have specific fees, based upon hours of usage, including setup and breakdown times. Request for usage must be at least one month prior to the event. Rental payments for such facilities must be made two weeks prior to the event. Proof of payment must be submitted to the Special Events Office. Applicable user criteria will be available for park venues through the Parks & Recreation Department.

Depending upon the venue, nature and scope of the event, the hiring of City of Miami Beach Parks and Recreation personnel may be required. A City facility (e.g., a building) used for a special event must be staffed by a City employee. Depending on usage, additional facility staff, janitorial service and electrical staff charges may be applicable. Payment for the staffing is the sole responsibility of the applicant, and must be received no later than two (2) weeks in advance of the event.

II. *User Fees*

Park User Fees - A special event impact fee will be imposed for all events taking place at a City Park including, but not limited to, Lummus Park, South Pointe Park, Collins Park, Flamingo Park, SoundScape and North Shore Open Space Park. Lummus Park includes the area east of Ocean Drive, the park itself, and the beachfront east of the park from 5 – 15 Streets. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used exclusively for enhancements to those parks utilized by said events.

Lincoln Road User Fee

For events taking place on Lincoln Road, Lincoln Lane or the finger streets from Lincoln Lane South to Lincoln Lane North along Lincoln Road, a special event impact fee will be imposed. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used to enhance Lincoln Road. Due to the unique characteristics of the 1100 block of Lincoln Road, impact fees derived from events taking place in this area shall be separated and used to enhance the 1100 block of Lincoln Road exclusively.

H. Police Department

- I. ***Security Plan and Services*** - Depending upon the type of special event and estimated attendance, security personnel, such as off-duty police personnel and private security personnel, may be required.

The Security Plan shall be prepared by the event producer in consultation with the Office of Special Events and the City of Miami Beach Police Department's Off-duty Office. The plan shall specify the number of off-duty officers or private security guards, if applicable, hired by or expected to be hired by the applicant. At the option of the applicant, the entire security personnel may be comprised of off-duty police personnel.

Cost of off-duty police personnel is dependent on the number and rank required. As a general rule, if four or more officers are required, one must be a supervisor (sergeant or above). Larger contingents of officers may require additional police supervisors.

Payment for off-duty police services, based on the estimate, is required to be paid in full no less than two (2) weeks in advance of the event. Payment adjustments for off-duty police services, based on a final invoice, is required to be paid in full no more than two (2) weeks after the event.

The Chief of Police or his designee will make the final determination of minimum levels of police security.

Any private security personnel contracted for by the applicant must be licensed by the State of Florida. If security personnel are to be hired, a list of names and license information must be provided to the City's Police Department no less than two (2) weeks in advance of the event.

The City's Police Department may require additional security or off-duty police personnel for crowd control, traffic control and general security during the event. The minimum number of police personnel is dictated by the Off-duty Police Coordinator and is dependent upon the type of event, date of event, time of event, location of event, the site plan for the event, the type of entertainment during the event, whether alcohol is consumed at the event, and the estimated attendance at the event.

- **Overnight & Backstage Security** -- Applicants may contract, at their own expense, for off-duty police services or with private security guards for overnight and backstage security concerns. On-stage security will be handled by private security at the applicant's expense.
- **Marine Patrol** - All water-based special events, or those activities likely to attract crowds to or near the water, must provide prior written notice to the Miami Beach Police Marine Patrol and Beach Patrol. Certain events may require prior written authorization from the United States Coast Guard and may also require off-duty services and equipment from the City's Marine Patrol, Florida Marine Patrol, or United States Coast Guard, at the expense of the applicant. In such cases, written authorization is required no later than thirty (30) days prior to the event.
- **Police Escorts for Entertainment** - If so requested, the City may supply police motorcycles or car escorts for entertainers. This service must be arranged in advance of the event and must be listed in the proposal for the event. The cost for this service is determined by the City's Police Department and will be at the applicant's expense.

- II. **Street Closures** - Certain streets within the City of Miami Beach may be temporarily closed to limit or exclude vehicular and/or pedestrian traffic prior to, during, and after any special event. Depending upon the location, additional approval may be required from Miami-Dade County or the State of Florida. The City Manager, in his/ her discretion, may also require applicants to provide "sign-offs" showing approval from a majority of landlords and/or residents (or their group representatives) whose direct vehicular access to buildings will be affected by the proposed closure. Regardless of the jurisdiction, the Chief of Police and the City's Public Works Director must first approve street closures with final approval retained by the City Manager. Requests for street closures must be made at least forty-five (45) days prior to the event.

In closing a State street (i.e., 5 Street, Collins Avenue, 41 Street, Alton Road, 71 Street, and Harding Avenue) prior approval is required by the Chief of Police, City's Public Works Director, and City Manager. The application must be processed at least 30 days prior to the event. The applicant must then forward the completed application to the Florida Department of Transportation (FDOT) to receive the FDOT permit. FDOT must receive application at least 30 days prior to the event.

In order to close a County street (i.e., Venetian Causeway/17th Street) the application will be forwarded to the Miami-Dade County Public Works Department by the City's Police and must be received at least 30 days prior to the event in order to send to the County for processing.

- III. **Barricades & Electronic Signs** - Barricades and electronic directional signs may be required, depending upon the location and/or site plan of the event, to cordon off the surrounding areas or to close streets to vehicular traffic. The City's Police Department, along with the Parking Department, will determine the number and location of barricades.

The rental cost of barricades and electronic directional signs will be incurred directly by the event

producer. Payment is the sole responsibility of the applicant, as is actual set-up and removal of barricades on the event date(s).

- IV. *Parade Requirements*** –The City Code defines "Parade" as any march or procession consisting of persons, animals, vehicles or any combination thereof, traveling upon any public way, within the territorial jurisdiction of the City. All parades must abide by Section 106-346 of the City Code. Pursuant to this Code Section, a separate permit to hold a parade must be obtained from the Chief of Police. The permit application must be filed not less than 15 days nor more than 90 days prior to the day on which it is proposed to be held, and simultaneously copied to the Special Events Office.

The Chief of Police may revoke a parade permit at any time he determines the parade is to be conducted or is being conducted in violation of the terms of issuance. Any applicant aggrieved by the Chief's decision may appeal it to the City Manager.

- V. *Demonstrations, Pickets and Free Speech Activities*** - The First Amendment of the United States Constitution affords demonstrators the constitutional right to assemble and speak in a peaceful and orderly manner. Therefore, the City shall not require or issue permits for such activity. Demonstrations and pickets consist of activities which are generally performed in public in support of or against a person or cause and which may have the potential for impeding movement along a public right-of- way or other disruption. Organizers of such events are asked to submit a questionnaire, site plan, and to notify the City of Miami Beach Police Department Patrol Division Commander of their intentions, and to provide details of the planned activity in order to ensure the health safety and welfare for all concerned. If requested by the Special Events Office, a copy of an approved Police plan should be provided. There may be instances where the nature of the demonstration and/or the number of participants (including counter-demonstrators) will require restrictions in order to protect the health, safety and welfare of every citizen by means of providing crowd control, traffic control and general security to the public. Such restrictions will be communicated to the individual or group prior to the activity. The Special Event Permit Requirements do not apply to such activities. Demonstrations, Pickets and Rallies must abide by Section 106-346 of the City Code.

I. *Property Management*

Based on the electrical, engineering and/or plumbing impact of a special event on City property, the applicant may be required to hire City electricians, engineers or plumbers.

J. *Public Works Department*

Environmental Resource Management

These items listed below are to intended help preserve the health and welfare of the City of Miami Beach's coastal areas.

Vehicles

- Vehicles allowed to access and remain parked on the beach during an event **MUST** display a temporary parking placard
- All vehicle access to the beach is restricted. Access points **MUST** be identified by City staff for each event.
- All vehicles shall require a police or beach patrol escort when crossing on to the hard pack (beach) and at all times east of the Erosion Control Line.
- All vehicles should utilize lights and flashers when traveling on the beach

Parking

- Any vehicle parked on the beach shall be prevented from distributing fluids on the ground (sand) by the placement of an absorbent pad under the engine compartment – these pads shall be properly

- disposed off once the vehicle vacates the beach
- All vehicles parked on the beach shall have cones placed at the front and rear of the vehicle

Fuel

- The storage of any petroleum product or chemical shall be prohibited unless prior approval has been issued by the City – storage of such material shall be in accordance with life safety and environmental regulations – storage shall be in appropriate spill proof containers for type of chemical, shall be stored a significant distance away from any population, storage area shall contain signage identifying the storage site and indicating which type of chemicals are being stored – required clean up of any chemicals will be at the expense of the applicant
- The fueling of vehicles on the beach (event site) shall be strictly prohibited unless given a special fueling permit where the applicant must act according to approved standards – fuel must be stored in spill proof containers etc. Such a permit is only approved by the City's Environmental Division.

Temporary Construction

- A site inspection, by the City, shall be required prior to and after an event to ensure that the event site and surrounding area has been restored to a clean and acceptable condition
- When possible, tents shall be secured with water barrels in place of ground stakes – where ground stakes are used, the holes shall be filled, compacted and area raked or graded to restore to natural conditions
- Any structures requiring permits from the City's Building Department or Public Works Department shall be required to be reviewed by the City or County Division of Environmental Resource Management (DERM) for potential environmental impacts

Live Animals

- The incorporation of animals in any special event shall require adequate ground cover under cages – material shall be absorbent in nature and not permit the transfer of fluids to the ground.

Dune System

- Absolutely no activity is permitted within protected dune area – a minimum of a 20' setback west of the west end of the dune and 20' east of the east dune line shall be required.
- Pedestrian traffic to special events shall only use demarcated pathways and dune crossovers for ingress and egress to event site.
- Directional signage must be provided when public access at a dune crossover is blocked.

Beach Impacts (other)

- Special Events occurring during hurricane season shall have an emergency evacuation plan that will go into effect within eight (8) hours of a hurricane warning and be completed within twenty-four (24) hours – all equipment, material, staff, staging, vehicles and associated appurtenances shall be removed from event site within the allotted time

Right-of-Way Permit-- A Right-of-Way Permit must be obtained when there is anchoring to or excavation of any right-of-way or City property. The method of anchoring or location of any excavation may be denied or altered by the City based on potential hazards to existing utilities. The cost for such permit will be pursuant to City ordinances (concerning work on the right-of-ways) and may include a cash bond based on estimated potential damage to City property. Proof of financial ability to cover estimated damages must be submitted to the Special Events Office. For events occurring on City streets or sidewalks, an inspector from the Public Works Department will inspect the area in question prior to the event for any hazards, potholes or damaged fixtures. Any problems will be repaired or noted. A visual inspection will take place following the event to identify any damage to City property caused by the event.

Any identified damages in the City right-of-way, on termination of the permit, will have to be repaired by the event producer within a time specified by Public Works. If the producer fails to complete these repairs in a timely manner or wishes the City to complete such restoration work, then costs incurred by the City, including reasonable overhead expenses, will be deducted from the Security Deposit and the event

producer will be charged for any, such costs not covered by the deposit (as per Section A Step 1).

K. Sanitation Department

Applicants shall be solely responsible for cleaning the area during and after the event. Should the applicant choose, the City will provide personnel for this function. The cost of the clean-up will be calculated by the City, and will include dumping fees and equipment rental. Should an alternate cleaning service be contracted, the applicant shall be responsible for obtaining all necessary dumpsters, including separate dumpsters for single-stream recyclables. All arrangements and removal of garbage, trash, recyclables, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the City's Sanitation Department, and submitted to the Special Events Office no less than two (2) weeks prior to the event. Applicants are required to meet sanitation standards to assure an adequate number of litter and recycling containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. At minimum, one recycling container is required per designated trash collection area. Glass containers and plastic straws are prohibited. Applicants shall ensure that the event site is returned to its original condition within twenty-four hours. Failure to clean up after the event will result in a fine (as per Section III herein) issued to the event producer, as well as additional charges for City services.

Applicants seeking use of public restroom facilities outside of standard operating hours may also be required to hire attendants to facilitate public restroom maintenance and supplies during the event. These services may be contracted through the Public Works Department. Proof of payment must be submitted to the Special Events Office at least two (2) weeks prior to the event.

V. OTHER AGENCIES

A. The Miami Beach Visitors and Convention Authority (VCA) and Cultural Arts Council (CAC)

The City of Miami Beach does not directly fund special and cultural events. The VCA and CAC utilize City funds for the purpose of special and cultural event funding. Approval of an application for funding by either the VCA and/or the CAC shall not constitute either expressed or implied approval of a special event permit by the City of Miami Beach. Should the VCA or CAC fund an event, the appropriate logo shall be incorporated in all event print advertising or promotional materials, as per the funding terms and conditions of the VCA and / or the CAC.

B. Miami-Dade County

- ***Permit for Temporary Food Sales*** - The Miami-Dade County Department of Business and Professional Regulations, Division of Hotels & Restaurants, sets forth rules and regulations for safe operation of temporary food service establishments. To obtain the necessary permits, sponsors or applicants must notify the Department of Business and Professional Regulations no later than three (3) business days prior to the event. A license fee for a 1-3 day event is \$40.00 per vendor.
- ***Beach Cleaning*** - Applicants desiring use of the public beach must arrange for the cleaning of the beach, prior to, as well as after, the event, as necessary. Beach cleaning may be arranged with the Miami-Dade County Parks Department or a private sanitation company approved by the Miami-Dade County Parks Department. Proof that clean-up arrangements have been made must be submitted in writing to the Special Events Office at least two (2) weeks prior to the event.

C. State of Florida

- ***Department of Environmental Protection, Division of Beaches and Shores*** -- If an event is to be held on the beach, a State Field Permit is also necessary for all temporary non-portable structures on the beach, east of the Coastal Construction Control Line. This would include, but not be limited to, the following types of temporary structures: stages, fences, tents, lighting and sound

systems. A detailed site plan and written narrative description of all installations must be submitted to the Special Events Office no later than 60 days prior to the event.

As conditions of the State Field Permit, the State also calls for the protection of marine turtles during the marine turtle nesting season, beginning May 1, and ending October 31, in Miami-Dade County. Conditions relevant to areas east of the Coastal Construction Control Line (CCCL) include: structures to be constructed and left overnight, including temporary fencing, shall have 3 feet of vertical clearance and shall be located as far landward as possible; no lighting associated with the event is authorized after 9:00 pm without approval from the State of Florida; and permit holders may be required to hire turtle monitors from sundown to sunrise. Other conditions, as prescribed by the State may apply.

Events requiring exemptions from any of the above marine turtle nesting conditions will need to provide the City with written approval from the State of Florida Wildlife Commission.

Florida Statutes, Chapter 161, calls for the protection of beach dune systems and impose fines for damage caused to the natural dune systems along the Beach. It is the responsibility of the applicant to provide adequate security measures to ensure protection of the dune area from damage that may be caused by an event.

- **Division of State Lands** -- Depending on the type and nature of the event(s), the Division of State Lands has the right to negotiate a separate use agreement with the special event producer and will charge for the use of the land. This fee may include a contribution to the State Lands Trust Fund, as well as a use fee, and would require State of Florida Cabinet approval. If applicable, proof of the Division of State Lands approval shall be submitted to Department of Tourism and Cultural Development before a permit is issued.
- **Florida Marine Patrol** - Any type of water activity held within the City of Miami Beach must give notice to the Florida Marine Patrol. Notice must be in the form of a letter, with a copy to the City provided no less than two (2) prior to the event.
- **Division of Alcoholic Beverages and Tobacco** -- If the event is being produced by a not-for-profit organization which desires to sell or serve alcohol, the organization must apply for a temporary liquor license from the State of Florida, Division of Alcoholic Beverages and Tobacco under Florida Statute 561.42. In order to obtain the license from the State, a letter of authorization must be obtained from the City. Prior to the issuance of this letter the following must be submitted:
 - * Certificates of all applicable insurance including, general liability and liquor liability.
 - * A completed Indemnity Agreement.
 - * A signed letter on letterhead from the non-profit organization agreeing to have the temporary liquor license in the organization's name.
- **Florida Department of Transportation**

Lightpost Banners -- Banners proposed to be placed on State Road lightposts require an additional permit from the Florida Department of Transportation, following Design Review approval from the City's Planning and Zoning Department and approval from the Miami Beach City Commission. Depending upon the scope and nature of the event, additional State permits may be required.

D. Federal Government

- **Federal Aviation Administration** - Any type of unusual air activity above the City of Miami Beach planned in conjunction with a special event, which has the potential to disrupt commercial air

traffic, must be approved by the Federal Aviation Administration (FAA). Approval will be requested through the City's Department of Tourism and Cultural Development on the applicant's behalf.

- **Coast Guard** - Any individual or organization planning to hold a regatta or marine parade which, by nature, circumstances or location, will introduce extra or unusual hazards to the safety of lives on the navigable waters under the jurisdiction of the U.S. Coast Guard, shall submit an application to the Coast Guard District Commander having jurisdiction of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to; an inherently hazardous competition; possible effect on the customary presence of commercial or pleasure craft in the area; any obstruction of navigable channel which may reasonably be expected to result; and the expected accumulation of spectator crafts.

Where such events are to be held regularly or repeatedly in a single area by an individual or organization the District Commander may, subject to conditions set from time to time by him/her, grant a permit for such series of events for a fixed period of time, not to exceed one (1) year.

The application shall be submitted to the Coast Guard no less than 30 days prior to the event.

The application shall include the following details:

- 1) Name and address of sponsoring organization.
- 2) Name, address, and telephone of person or persons in charge of the event.
- 3) Nature and purpose of the event.
- 4) Information as to general public interest.
- 5) Estimated number and types of watercraft participating in the event.
- 6) Estimated number and types of spectator watercraft.
- 7) Number of boats being furnished by sponsoring organizations to patrol event.
- 8) A time schedule and description of events.
- 9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

VI. SPECIAL EVENTS FEE SCHEDULE

SPECIAL EVENTS FEE SCHEDULE (see VII Class Matrix for breakdown)

SPECIAL EVENTS PERMITS			
Class G permit (public use)			
Average attendees per day	Application Fee	Permit Fee	Security Deposit
Up to 150 (no City services required)	\$250.00	\$250.00	\$2,500.00
Up to 1500 (City services required)	\$250.00	\$250.00	\$5,000.00
1501 to 5000 attendees	\$250.00	\$500.00	\$10,000.00
5000+ attendees	\$250.00	\$500.00	\$20,000+
Class C permit (private commercial property use only)			
Application Fee	Permit Fee	Security Deposit	
\$250.00	\$250.00	\$2500.00	
Late Application Fee: \$250.00- A late application fee, equivalent to the determined application fee per above, will be charged if application is received later than required deadline (60 days for events on public property; 30 days for events on private property).			
REINSTATEMENT Fee: \$250.00/ \$500.00 - A late submittal fee, equivalent to the determined permit fee per above, will be charged when requirements for approval of special event permit are not received in the Office of Special Events fourteen (14) days before load in of event commences.			
Security Deposit: \$2,500/\$5,000/ \$10,000/ \$20,000+ - A refundable security deposit will be required no later than fourteen (14) days in advance of the event. Based on the scope and location of the event, a pre-and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded approximately in 3-4 weeks after event if all conditions are followed; public property is left in as good condition or better and without damage and all City invoices paid. Failure to comply with conditions imposed may result in forfeiture of the entire or part of deposit.			

WEDDING/ CEREMONY/ TEAM BUILDING PERMITS	
Per Wedding/ Ceremony/ Team Building use	Permit Fee
	\$125.00

TEMPORARY SAMPLING PERMITS		
	Permit Fee	Security Deposit
Per team, per day (5 persons total in the same vicinity)	\$2,000.00	\$2,500.00

OTHER SPECIAL EVENT FEES	
Vehicle Access Pass: \$150.00 per pass/per vehicle/per event.	
Square Footage Fee: \$.25 per square foot + 7% Sales Tax (N/A with a Concession Agreement).	
AND/OR	
Concessions Agreement:	
<ul style="list-style-type: none"> Beach Events: 15% of food, beverage, ticket sales and merchandise. Non-Beach Events: 10% of food, beverage, ticket sales and merchandise. 	
Taxes: You are required to pay a 7% State sales tax and a 2% Resort Tax (on food and beverage only).	

Please remit the 2% Resort Tax payment on a separate check.	
Park User fee: 25% of the total City Services not including administrative fees.	
Lincoln Road User fee: 25% of the total City Services not including administrative fees.	
Light Pole Banners Banners announcing special events either to be held in city or to be associated in some manner with the city, as determined by the city commission, may be erected up to 30 days prior to the event being announced and must be removed within seven (7) days after such event. Special event banners shall require prior approval by the city commission. Fees: <ul style="list-style-type: none"> • \$50.00 per pole For-Profit/ \$25.00 per pole Non-Profit • \$50.00 administrative fee – per application 	
Building Department Permit fees: Please contact the Building Department for fee schedule please call 305-677-7610 or visit www.miamibeachfl.gov . <ul style="list-style-type: none"> ○ Tent Permit; Fence Permit; Stage Permit; Electrical Permit; Bleachers Permit; Restroom (Port-a-lets) Plumbing Permit ; Pool cover Permit; Temporary Occupant Load. 	
Police Department: For information on <u>off-duty Police services</u> please contact off-duty at 305-673-7823.	
Fire Department: For information on <u>off-duty Fire services</u> please contact off-duty Fire at 786-412-1076.	
Parking Meter Rentals: \$10.00 per space or meter/per day + plus administrative fees. Please contact the Parking Department at 305-673-7505 for more information.	

*** Application fees are not refundable; permit fees and security deposits are reimbursed if the event/activity is cancelled, denied, or postponed and given that public property is left in good condition and without damage and all City invoices paid. Failure to comply with restrictions imposed automatically forfeits the security deposit.

*** Additional charges may apply.

VII. Special Event Class Matrix

	Event type	Application Deadline	Max Attendance	Security Deposit	Application Fee	Late Application Fee	Permit Fee	Late Submittal Fee	Square Footage Fee	Use of Public Property	Insurance	Indemnity	Site plan	Sign-offs	Notifications	Bldg. Permits Allowed	City Services Required	Maximum Load In + Load Out Dur
Wedding/Ceremony	15 Days	150	\$ -	\$ -	\$ -	\$ 125	\$ -	N	Y	N	N	Y	Y	N	N	N	6 hrs	
Special Event Class C1	15 days	Existing Occ load	\$2,500	\$250	\$250	\$250	\$250	N	N	Y	Y	Y	Y	Y	N	N	1 day	
Special Event Class C2	30 days	Temp. Occ. Load	\$ 2,500	\$ 250	\$ 250	\$ 250	\$ 250	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 +	
Special Event Class G1	30 days	150	\$ 2,500	\$ 250	\$ 250	\$ 250	\$ 250	Y	Y	Y	Y	Y	Y	Y	N	N	2	
Special Event Class G2	60 days	151-1500	\$ 5,000	\$ 250	\$ 250	\$ 250	\$ 250	Y	Y	Y	Y	Y	Y	Y	Y	Y	7	
Special Event Class G3	60 days	1501-5000	\$ 10,000	\$ 250	\$ 250	\$ 500	\$ 500	Y	Y	Y	Y	Y	Y	Y	Y	Y	14	
Special Event Class G4	60 days	5001+	\$20000+	\$ 250	\$ 250	\$ 500	\$ 500	Y	Y	Y	Y	Y	Y	Y	Y	Y	14 +	

**Exhibit F – Letter of Conformance to the City of Miami
Beach Comprehensive Plan**

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
PLANNING DEPARTMENT Tel: (305) 673-7550, Fax: (305) 673-7559

January 27, 2016

Ms. Elizabeth Wheaton
Assistant Director, Building Department
Environment and Sustainability

RE: Conformance of City of Miami Beach Updated Beachfront Management Plan Pursuant to Management Agreement No. 3595 with the City of Miami Beach Comprehensive Plan.

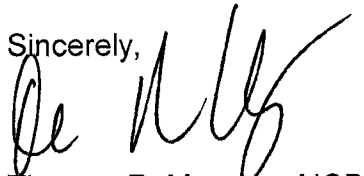
Dear Ms. Wheaton,

This is in response to your division's request for determination of whether the City's Updated Beachfront Management Plan dated January 2016 is in compliance with the City of Miami Beach Comprehensive Plan.

The City of Miami Beach Planning Department has reviewed the Updated Beachfront Management Plan, dated July 2014, prepared by the City pursuant to the requirements of Management Agreement No. 3595. The subject property comprises approximately 220 acres of State-owned land managed by the City under a Beach Management Agreement (re-assigned Lease No. 3595). The City obtained management authority over the property to continue, promote and enhance public access, as well as its use as a public beach area. The City has managed and will continue to manage the property as a public beach area. As such, the property's current and future uses are in conformance with the City of Miami Beach Comprehensive Plan.

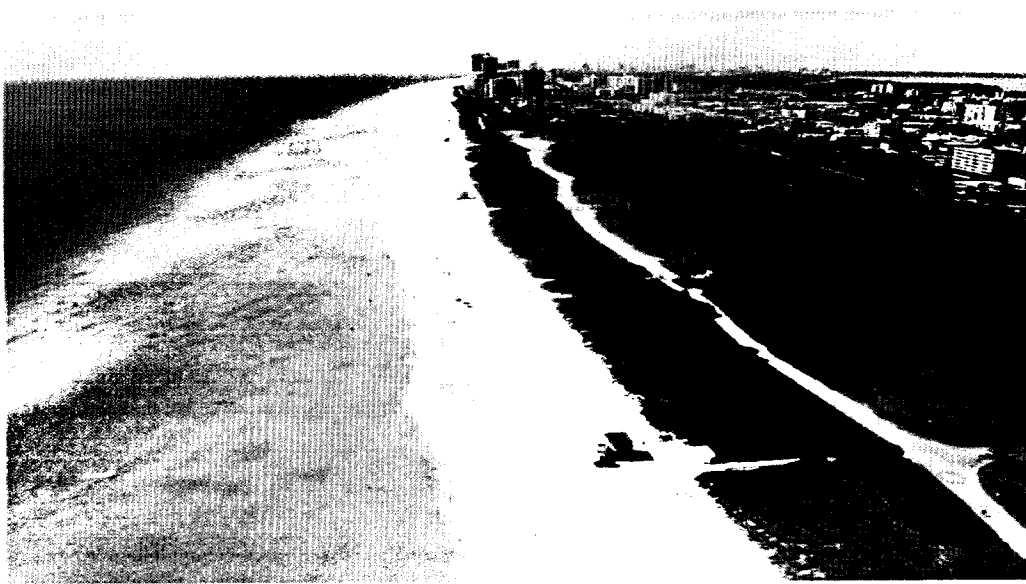
If you have any questions or require any additional information please feel free to call me at (305) 673-7550.

Sincerely,



Thomas R. Mooney, AICP
Planning Director

**Exhibit G – City of Miami Beach Dune Management
Plan**



CITY OF MIAMI BEACH DUNE MANAGEMENT PLAN

January 2016

Prepared by:

CITY OF MIAMI BEACH
1700 Convention Center Drive
Miami Beach, Florida 33139

COASTAL MANAGEMENT
AND CONSULTING
7611 Lawrence Road
Boynton Beach, Florida 33436

I. STATEMENT OF PURPOSE

Coastal dunes are habitat for wildlife and support a high biodiversity of flora and fauna. They also keep beaches healthy by accreting sand and minimizing beach erosion rates. The dunes protect coastal infrastructure and upland properties from storm damage by blocking storm surge and absorbing wave energy. Therefore, a healthy dune system is an invaluable asset to coastal communities like Miami Beach.

The purpose of the City of Miami Beach Dune Management Plan (“the Plan”) is to outline the framework and specifications that the City will use to foster and maintain a healthy, stable, and natural dune system that is appropriate for its location and reduces public safety and maintenance concerns. The Plan shall guide the City’s efforts in managing the urban, man-made dune as close to a natural system as possible and ensuring the dune provides storm protection, erosion control, and a biologically-rich habitat for local species.

II. OBJECTIVES

This plan was developed collaboratively with local government and community stakeholders, as well as local experts to meet the following primary objectives:

1. Reduce to the maximum extent possible the presence of invasive, non-native pest plant species within the dune system.

Non-native species compete with and overwhelm more stable native dune plants, thereby threatening the stability and biodiversity of the dune system. Reducing the presence of aggressive, non-native vegetation preserves and promotes the structural integrity and biodiversity of the dune.

2. Cultivate and support a dense grassy pioneer zone dune.

The foredune is the first line of defense against erosion. Sea oats and fast-growing, deep rooted grasses trap and accumulate wind-blown sand, build up the dune, and create a sand reservoir for the system. Their roots stabilize the accumulated sand and significantly minimize erosion during high tides and storms. Cultivating a dense grassy pioneer zone is a key component in fostering a stable, healthy dune primed for erosion control and storm protection.

3. Maintain a low, stable strand zone comprised of native species.

The historically stable coastal strand zone is most stable when it is populated by saw palmettos and low, native shrubs. Thick, low vegetation tends to be less top heavy, which reduces the potential for uprooting and toppling of strand zone vegetation from wave energy and storm surge. Additionally, maintaining low strand zone vegetation reduces safety concerns and improves the public’s connection with the ocean.

4. Improve native species diversity of the strand zone.

The removal of non-native, invasives and the crown reduction of tall native plant canopies exposes dune areas which can be colonized by non-native invasive vegetation if they are not replanted quickly with native vegetation. These areas offer an opportunity to reintroduce native rare and listed species, as well as to restore the dune to its original, pre-development condition. Supplemental planting in these areas will promote a healthier, more diverse strand zone.

5. Properly plan dune restoration activities to avoid and minimize potential impacts to sea turtles.

Every year between April 1 and October 31, three sea turtle species nest on the City's beaches: the Loggerhead, the Green, and the Leatherback. Disturbing sea turtle nests, hatchlings or nesting females is prohibited. Per City and State law, work in the dunes cannot allow upland lighting to be visible on the beach to prevent disorientation of hatchlings. The specifications in the Plan were developed to avoid and minimize potential impacts to sea turtles through best practices and proper planning.

III. HISTORY OF THE MIAMI BEACH DUNES

The City of Miami Beach's seven miles of Atlantic Ocean shoreline are protected by a coastal dune which was initially installed as part of the United States Army Corps of Engineers' ("USACE") Dade County Beach Erosion Control and Hurricane Protection ("BEC&HP") project. From 1975 to 1980, the USACE, in coordination with the Florida Department of Environmental Protection ("FDEP") built a non-vegetated levee for storm protection as part of the first beach restoration efforts targeting the Miami Beach coast. Due to high pedestrian and vehicular traffic, the levee wore down quickly and was deemed ineffective. In the mid-1980s, through the acquisition of a state grant, FDEP rebuilt the levee and fortified it with dune vegetation.

Historically, the City has maintained the dune as a natural system with little to no maintenance. The City's most recent large-scale dune maintenance efforts were conducted using two landscape contractors which were retained through a Citywide Dune Restoration Services contract (ITB No. 268-2013-TC). This project restored the following four areas by removing non-native, invasive vegetation and re-planting cleared areas with native dune species:

- South Beach A – Government Cut to South Pointe Drive
- South Beach B – 14 Court to 23 Street
- Middle Beach – 23 Street to 46 Street
- North Beach – 64 Street to 79 Street

Previous large-scale dune maintenance efforts were solely conducted as part of the Atlantic Greenway Network ("AGN") Master Plan projects which constructed at-grade

pedestrian pathway along the western edge of the dune. Specifically, as part of the following projects:

- Beachwalk II, Phase I – South Pointe Drive to 3rd Street
- Beachwalk I – 14 Court to 23 Street
- North Beach Recreational Corridor – 64 Street to 79 Street

The dunes adjacent to North Shore Open Space Park have been exclusively restored through volunteer efforts since 2009. Moving forward, the dunes adjacent to North Shore Open Space Park will continue to be reserved for volunteer dune restorations, unless otherwise approved by the City. The same rules shall apply to the dunes at adjacent to Lummus Park.

Common threats to the dunes include invasive, non-native vegetation, trampling from trespassers (e.g., general public, vagrants), unauthorized trimming, homeless and vagrant activities, and man-made fires.

IV. DUNE MANAGEMENT SPECIFICATIONS

1. Definition. The term dune shall be defined as the vegetated areas east of the beachwalk system to the easternmost limit of existing vegetation. In areas where a beachwalk system has not yet been constructed or is constructed within the dune system, the dune system shall constitute the continuously vegetated area bound by the erosion control line (“ECL”) to the west and by rope and post and/or sand fencing to the east. Where the dune is adjacent to public parks or areas designated as conservation areas, the dune shall also include areas of native dune vegetation west of the ECL enclosed by rope and post and/or sand fencing.

2. Location. This plan applies to all areas of the dune within the City of Miami Beach, from Government Cut north to the City Boundary at 87 Terrace.

3. Scope of work. Dune management will consist of restoration work (e.g. invasive exotic removal and re-planting with native species) and maintenance work (e.g. strand zone species pruning, litter removal, and safety hazard removal).

4. Restoration work. The City shall annually survey the dunes to identify and document the location of invasive, non-native pest plant species, to estimate the percent cover of invasive species in those areas, and to create a priority list for the restoration of these areas. Areas with higher percentages of invasive species will be prioritized for restoration, but not before funding is in place to replant cleared areas with native species.

The City will take special care, especially in critically eroded areas, to promote dense grassy pioneer zone growth. The City shall also promote a diverse strand zone by replanting cleared areas with a mix of the native species that existed in the dune before development in order to restore the dune to its original population. Rare and listed species will be prioritized for re-planting, where reasonable and feasible. The City will consult

local conservation organizations such as the Institute for Regional Conservation for recommendation of species to be prioritized for re-planting.

I. INVASIVE EXOTIC REMOVAL SPECIFICATIONS

Restoration work includes the full removal and off-site disposal of non-native, invasive, and/or pest plant species. It is incumbent upon City and private contractors to visit and thoroughly inspect the sites of proposed work to determine the area of invasive exotic removal that will be required. Aerial photographs may not be current and cannot be relied upon. Bid prices should be based on best estimates of total area occupied by invasive plants and square footage of area to be removed.

A. TARGETED SPECIES

City and private contractors shall be responsible for the physical removal of all vegetative mass, including leaves, stems, and trunks, plus all gross roots of, at a minimum, Category I and II Invasive exotic Pest Plants, as identified by the Florida Exotic Pest Plant Council (FLEPPC), including *Scaevola taccada* (Hawaiian naupaka), *Shinus terebinthifolius* (Brazilian pepper), *Casaurina equisetifolia* (Australian pine) and *Sophora tomentosa* var. *occidentalis* (necklace pod). Problem native species, such as *Dalbergia ecastophyllum* (coin vine) and *Cesalpinia bonduc* (gray nickerbean), must also be removed, unless otherwise specified by the City.

B. PLANT DISPOSAL

All removed invasive exotic plant mass shall be legally disposed of off-site. No on-site shredding or chipping will be allowed.

C. NATIVE SPECIES TO BE PROTECTED

The worksites include a mixture of native dune species and targeted non-native species. City and private contractors shall take special precautions to ensure minimal impact to the existing dune during the exotic removal efforts. The use of herbicides is prohibited, except as approved by the City's Environment and Sustainability Division.

D. REMOVAL METHODS

Removal of smaller and medium sized exotic clusters should be done by hand cutting and digging to remove roots. Mechanized equipment may be used when it is possible to gain access without impact to the existing dune. Post and rope fencing and sand fencing may be temporarily removed for access, but must be replaced upon completion of each section. City and private contractors shall replace rope and post fencing and/or sand fencing damaged during exotic removal or pruning efforts in kind at no cost to the City.

Mechanized equipment may also be permitted on the soft sands of the beach, or boardwalk, or beachwalks on a case-by-case basis. All use of mechanized equipment must first be coordinated and approved by the City when obtaining a City Right-of-Way permit.

E. EXOTIC REMOVAL WARRANTY PERIOD

City and private contractors shall be responsible for maintaining cleared and pruned areas free of seedlings and resprouts for a one year warranty period.

II. PLANTING SPECIFICATIONS

The planting design shall be determined based on the area of dune cleared by invasive exotic removal or other activities that increase the exposed areas of bare sand. It is incumbent upon City and private contractors to visit and thoroughly inspect the sites of proposed work. Aerial photographs may not be current and cannot be relied upon. Bid prices should be based on best estimates of square footage of area to be replanted. Conditions on site at the time of planting may necessitate modification of the planting design and number of planting units required.

A. PIONEER ZONE SPECIES SPECIFICATIONS

1. Species specifications. Pre-approved species include sea oats (*Uniola paniculata*) in 96 cell liner size with 6 to 12 inches planted height and dune panic grass (*Panicum amarum*), shore paspalum (*Paspalum vaginatum*), Virginia dropseed (*Sporobolus Virginicus*), beach bean (*Canavalia maritima*), railroad vine (*Ipomea pes caprea*), and beach morninglory (*Ipomea imperati*) in 72 cell liner size. Additional native pioneer species from the Beach Dune database of the Institute of Regional Conservation (regionalconservation.org) may also be proposed but require City approval prior to installation.
2. Species distribution. Species approved for use in the pioneer zone include a mix of 75 to 80 percent of sea oats (*Uniola paniculata*) and 20 to 25 percent mix of other pioneer zone species.
3. Species spacing. Sea oats and pioneer zone species shall be installed to cover all barren areas and all areas cleared of exotics greater than 100 square feet, at an average spacing of 18 inches on center, to within 18 inches of the perimeter of undisturbed native vegetation. Sea oats shall comprise 75 percent of the species mix with the remainder comprised of approximately two thirds grasses and one third vines.
4. Species planting method. Pioneer zone species will be installed with the top of the rootball no less than six inches below finished grade. Fertilizer must be placed into the hole before the plant is introduced. Plants must be watered immediately to set the roots before backfilling the hole to grade. No further irrigation will be required. No hydrophilic gels may be used.

B. STRAND ZONE SPECIES

1. Species specifications. Pre-approved species include saw palmettos (*Serenoa repens*, silver variety) in 3 gallon size or larger, minimum 18 inches height, 12 inches spread and white indigo berry (*Randia aculeata*), coastal cocoplum (*Chrysobalanos icaco*, "horizontal" variety), bay cedar (*Suriana maritima*), blackbead (*Pithecellobium keyensis*), marlberry (*Ardisia escalonoides*), sea lavender (*Argusia gnaphalodes*), and golden beach creeper (*Ernodea litorallis*) in

3 gallon size, minimum 12 inches height, 12 inches spread. Additional native pioneer species from the Beach Dune database of the Institute of Regional Conservation (regionalconservation.org) may also be proposed but require City approval prior to installation.

2. Species spacing. Cleared areas less than 1000 square feet will be planted only with pioneer zone species. Areas exceeding 1000 square feet will be planted with 5 saw palmettos clustered toward the upland side in a random pattern, but no less than 5 feet on center. An additional six units of mixed strand zone species will be installed in clusters of two or three. Larger areas will be planted in proportion to this ratio of five palmettos and six strand zone plants per approximate 1000 square feet. Conditions on site at the time of planting may necessitate modification of the planting design and number of planting units required at the City's discretion.
3. Species planting method. Palmettos and strand species will be installed with the top of the rootball no less than four inches below finished grade. Plant shall be removed from the container by inverting the container and supporting the rootball as the container is pulled off. Pots should be cut as necessary to minimize disturbance of fragile roots. Pulling the plants out of the containers by the stems will be cause for rejection of the plant.

After digging a hole to the necessary depth, add one half of the fertilizer and incorporate it into the soil before inserting the plant. Twist the rootball to seat it before backfilling. After backfilling to cover two thirds of the rootball, add the remaining fertilizer in a ring before completely filling the planting hole.

C. PLANT QUALITY

The Contractor shall provide nursery grown plants that are of Florida #1, or superior quality pursuant to Florida Department of Agriculture and Consumer Services (FDACS) Division of Plant Industry Grades and Standards (<http://www.freshfromflorida.com/pi/pubs.html>). All plants shall be true to the growth habit of the species, and are to be fully rooted in the container, healthy, vigorous, well branched, and densely foliated. Plants shall be free from physical damage, or conditions that would interfere with thriving growth, and free of disease, insects, or insect eggs and larvae. The City's Greenspace Management Division shall inspect all plants supplied by City and private contractors and may reject plants that do not meet these specifications.

D. ANTITRANSPIRANT

Strand species and palmettos shall be treated after delivery and prior to installation with application of an antitranspirant at manufacturers recommended application rate.

E. FERTILIZATION

1. Plants may be fertilized at the time of planting with Everris Suncoat, E98435 16-9-12 (see composition below) with minors 90 day release or a proposed equivalent as approved by the City's Greenspace Management or Environment and Sustainability staff. If fertilizer use is approved, seven grams (one teaspoon) shall be placed into the planting hole of pioneer zone species before initial watering. Strand zone species shall be fertilized at the time of planting by inclusion of 210 grams (one half cup), one half into the planting hole before installation of the plant and one half distributed in a ring around the nursery rootball after backfilling the hole to cover two thirds of the rootball height. Fertilization of established vegetation is not required.
2. Fertilizer composition:
 - Total Nitrogen 16%
 - Soluble potash 12%
 - Available phosphate 9%
 - Sulfur 5.4%
 - Magnesium 1.3%
 - Iron .46%
 - Manganese .06%
 - Copper .05%
 - Zinc .05%
 - Boron .02%
 - Molybdenum .02%

F. IRRIGATION

1. Water supply. There are no regularly dispersed water connections in the project areas. The City will provide a metered source for filling water tank trucks through the Right-of-Way permit process or will advise City and private contractors that they are solely responsible for providing a water source for irrigation.
2. Initial watering. Pioneer zone plants shall be watered in at the time of planting to set the roots. No further irrigation will be required except when it is determined by the contractor to be necessary to ensure survival of the plants to meet the criteria below. Strand zone plants and palmettos shall be watered initially using a jetting wand to consolidate the backfill soil and ensure that there are no air pockets surrounding the nursery rootball.
3. Maintenance watering. The goal of supplemental irrigation is to promote the establishment of a self-sustaining root system, rather than to wet the nursery rootball. City and private contractors shall determine the need for the additional irrigation to meet the required plant survival criteria, and provide a proposed irrigation plan during the permitting process. The proposed irrigation plan must include a detailed description of the anticipated number of irrigation events, the equipment, labor and irrigation methodology proposed for the maintenance irrigation. If the City, as part of a City contract, approves the plan, City contractors will be responsible for all aspects of the maintenance irrigation, including compliance with all environmental permitting regulations,

requirements, and conditions stated in the permits. The cost of all anticipated maintenance irrigation shall be included in the installation unit cost pricing schedule with the Bid.

The City requires a minimum watering schedule for strand species of every four days for three weeks then once per week for five weeks, then as needed as determined by observation to achieve minimum survival criteria.

G. SURVIVAL CRITERIA AND REPLANTING

Plants not living at the end of 30 days will be rejected and shall be replaced. City and private contractors shall guarantee that at least 90 percent of all pioneer zone, and separately 90 percent of all palmettos and strand zone species survive and are in healthy condition for a period of one (1) year from the time of planting. Plants shall be deemed surviving if they present vigorous new leaf growth and inspection of the root zone demonstrates that new roots have migrated into the surrounding soil by no less than four inches.

City and private contractors will not be responsible for any loss of plants resulting from erosion or vandalism. The City shall periodically inspect all installed plants and notify the Contractor if it is determined that the survival rate is not acceptable. Minimally, inspections will be conducted approximately one month, three months, and ten months after planting. Within thirty days of receipt of notification by the City, contractors shall install additional plants to achieve the acceptable level of plant survival.

III. STRAND ZONE SPECIES PRUNING SPECIFICATIONS

A. TARGETED SPECIES

Native strand zone species, particularly seagrapes (*Coccoloba uvifera*), that are taller than four feet above grade shall be carefully evaluated by Environment and Sustainability staff and designated to be maintained as either shrubs or as coastal hammock.

B. INITIAL PRUNING

Targeted species designated to be maintained as shrubs will be initially pruned to reduce the crown height to 24 inches above grade to establish a branching sub structure. When possible, initial pruning should be limited to the rainy season to allow for a quicker recovery of the pruned vegetation. Pruning of the vegetation shall not have adverse effects on the vegetation. In any instance where the vegetation does not survive the initial pruning, the entity responsible for the pruning shall be required to mitigate for the vegetation loss in accordance with the conditions of the approval issued by the FDEP Division of Beaches and Coastal Systems or by re-planting in accordance with Section II. Planting Specifications of the Plan.

C. COASTAL HAMMOCK ZONES

Where strand zone vegetation is adjacent to and provides shade to a pedestrian area outside of the dune, the City's Environment and Sustainability staff will

designate the existing species to be maintained as Coastal Hammock Zones. Tree species within these zones will be pruned no less than twice annually to remove understory branches and leaves and to reduce the crown as necessary. Pruning of trees in these zones shall remove no more than one-third of the total tree mass or 25 percent of the existing canopy annually. Additionally, pruning of vegetation in these areas shall be conducted under the supervision of an arborists certified by the International Society of Arboriculture and in accordance with ANSI A-300 Pruning Standards and the FDEP Seagrape Trimming Guidelines.

D. PRUNING METHODS

Plants will be pruned to natural organic shape, rather than box hedged. Pruning shall be conducted by hand pruners or loppers only, unless otherwise approved by the City. If mechanized equipment is approved, it may only be used when it is possible to gain access without impact to the existing dune. Post and rope fencing and sand fencing may be temporarily removed for access, but must be replaced upon completion of each section. City and private contractors shall replace rope and post fencing and/or sand fencing damaged during exotic removal or pruning efforts in kind at no cost to the City.

Mechanized equipment may also be permitted on the soft sands of the beach, or boardwalk, or beachwalks on a case-by-case basis. All use of mechanized equipment must first be coordinated and approved by the City when obtaining a City Right-of-Way permit.

E. DEBRIS DISPOSAL

All removed invasive exotic plant mass shall be legally disposed of off-site. No on-site shredding or chipping will be allowed. No areas of pioneer dune vegetation shall be covered by chipping.

F. NATIVE SPECIES TO BE PROTECTED

The worksites include a mixture of native dune species and targeted non-native pest species. City and private contractor shall take special precautions to ensure minimal impact to the existing dune during the exotic removal efforts. The use of herbicides is prohibited, except as approved by the City's Environment and Sustainability Division. If damage to any native vegetation occurs, the entity conducting the work shall be required to mitigate for the vegetation loss in accordance with the conditions of the approval issued by the FDEP Division of Beaches and Coastal Systems or by re-planting in accordance with Section II. Planting Specifications of the Plan.

G. PRUNING PROHIBITIONS

Trimming of *Scaevola* and other invasive, non-native species is strictly prohibited as trimming of these species prompts them to grow back thicker, further spread seeds, and become a greater maintenance concern.

Environment and Sustainability staff shall conduct a review of all proposed pruning areas to evaluate the work's potential for exposing upland property lighting to the beach. In areas where existing lighting has the potential to be exposed, the pruning request shall not be approved until sufficient evidence can be provided to and approved by FWC that the lighting will cause no adverse effect to sea turtles.

IV. SAFETY HAZARD REMOVAL SPECIFICATIONS

Species of cactus, yucca, agave, and other types of vegetation which, by their spiny nature, could pose a safety hazard to the public must be removed at ground level to leave a three foot safety buffer on the dune side of all walkways and rope and post barriers or other areas where there may be in close proximity to public traffic.

5. Maintenance work. Maintenance work in the dunes primarily constitutes of the following activities: pruning of strand vegetation; removal and disposal of safety hazard plant species; and, removal of disposal of new non-native and invasive native plant species growth. It is incumbent upon City and private contractors to visit and thoroughly inspect the sites of proposed work prior to bidding. Aerial photographs may not be current and cannot be relied upon. City contractors must provide bid prices best estimates of square footage of area to be maintained and must include all materials, labor, equipment, supervision, mobilization, demobilization, overhead and profit, insurance, permits, and taxes to complete the work.

A. PRUNING MAINTENANCE INTERVALS

The long term height of strand shrub species will be maintained between 36 inches and no greater than 42 inches above grade. Please note that individual plant growth rates will vary between species and by season. Heights are approximate and should follow the logical growth habit of the recovering plant.

Maintenance pruning of strand zone vegetation shall also be conducted as necessary to control lateral growth which encroaches within two feet of pedestrian paths or accessways. Additional maintenance pruning may be requested to increase visibility into the dunes in areas with known security concerns and will be reviewed and approved on a case-by-case basis. All pruning must be conducted in accordance with Section III. Strand Zone Pruning Specification of the Plan.

B. EXOTIC REMOVAL MAINTENANCE INTERVALS

Maintenance events shall be conducted at quarterly intervals to hand remove new growth of seedlings or root sprouts. All non-native, invasive species removal shall be conducted in accordance with Section I. Invasive Exotic Removal Specifications of the Plan.

C. PEDESTRIAN CLEARANCE

The City, at its discretion, may conduct maintenance trimming of dune vegetation to maintain pedestrian clearance as follows:

1. Trimming of dune vegetation to maintain existing beach access crossover configurations and line of site, on and off of the beach.
2. Trimming of dune vegetation encroaching onto the beachwalk/boardwalk pathways and clearing of any low-hanging limbs.
3. Maintenance trimming of shrub-sized vegetation (<50") at 42" to promote low, dense growth.

The City annually renews their existing field permit from FDEP's Division of Beaches and Coastal Systems for this work.

Species of cactus, yucca, agave, and other types of vegetation which, by their spiny nature, could pose a safety hazard to the public must be removed at ground level to leave a three foot safety buffer on the dune side of all walkways and rope and post barriers or other areas where there may be in close proximity to public traffic.

D. REMOVAL OF DEAD VEGETATION

Where the City identifies vegetation that has died of natural causes, the vegetation shall remain on-site unless the Urban Forestry confirms the condition of the vegetation poses a potential safety hazard. Vegetation determined to pose a potential safety hazard shall be inspected by Greenspace Management staff to determine that it is not providing habitat or shelter to wildlife. If it does not act as habitat for wildlife, the City shall obtain an exemption determination from FDEP's Division of Beaches and Coastal System for its removal. Removal of dead vegetation must be conducted in accordance with sub-sections C and D of Section I. Invasive Exotic Removal Specifications of the Plan.

V. ROPE AND POST SPECIFICATIONS

The City's rope and post specifications and standard operating procedures (SOP) are outlined in Exhibit M of the City's Beachfront Management Plan. Per the SOP, modification of the dune limits requires the Environment and Sustainability staff's review and approval. A dune modification will generally be considered appropriate if moving the rope and post will not impact the minimum required emergency vehicle lane width or the approved footprint of the adjacent beach concession operations. The City's known critical erosion hot spots shall not be considered viable locations for the eastward expansion of the dune rope and post (Beachfront Management Plan Exhibit L).

When the dune vegetation outgrows the rope and post and/or sand fencing limits, City staff should contact the Environment and Sustainability staff to review the area and determine if trimming is appropriate. If the trimming request is approved, Environment and Sustainability staff will coordinate with the Greenspace Management Division to request that the overgrown vegetation be trimmed back by in-house staff or the landscaping maintenance contractor per the provisions of the City's dune management plan.


VI. MOBILIZATION AND ACCESS

City and private contractors shall coordinate mobilization, staging, and access through the City's Right-of-Way permit process.

VII. PERMITS

No work can occur in the dunes without approval or a CCCL permit from FDEP and a City Right-of-Way permit. The City's Environment and Sustainability staff is available to assist with and facilitate both permitting processes. City and private contractors shall be responsible for providing a certificate of liability insurance listing the City as the additional insured and for submitting a work plan that shows the project area, the scope of work, the access points to the site, the species disposition (to stay, to be removed, to be relocated), and what materials and equipment will be used. If a planting plan is required, it must be developed using the planting specifications previously described and provided to the City's Environment and Sustainability staff for approval. Contractors are responsible for paying for, signing for, and picking up their Right-of-Way permits from the City's Public Works Department once they are notified that it has been processed. Once the Right-of-Way permit is executed and in-hand, contractors may begin the work approved in their permits.

**Exhibit H – Miami-Dade County Sea Turtle Nesting and
Relocation Program Information**




MIAMI DADE PARK

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SEA TURTLE AWARENESS PROGRAM



Kayaking, Canoeing & Snorkeling

Bike & Hike

Expedition South Florida

Sea Turtle Awareness Program

Presentations & Outreach

Conservation Efforts

• Registration begins July 1st. [Register here now!](#)

Description

Journey into the world of sea turtles as you participate in an informative presentation followed by our summer release program. Learn about different sea turtle species and their life cycle, as well as some of the dangers they face throughout their lives. Come face to face with hatchlings and join them as they embark on their exciting journey into the depths of the ocean.

The Sea Turtle Awareness program consists of a 45 min. PowerPoint presentation that explains the different Sea Turtle species and their life cycle. As well as some of the dangers they face throughout their life time. Following the presentation we lead the group out to the beach where we will release Loggerhead hatchlings. The group will be able to watch the hatchlings start their journey out to sea. Due to all sea turtles being protected by the Endangered Species Act no one besides the permitted staff are allowed to handle the hatchlings.

The program normally runs from late July through the middle of September from 8:30 p.m. to 10:00 p.m. Reservations are required. You can make your reservations starting July 1st. We are offering the program multiple times a week at Crandon Park and Visitors & Nature Center. Most of the dates fall on the weekend (Friday, Saturday & Sundays). The program cost is \$10 per person.

For more information, please call 305-361-6767 ext. 121

Other Sea Turtle Programs that are offered year-round:

To reserve a program, contact the Crandon Adventure office 305-361-6767 ext 112

Sea Turtle Adventure

Explore the wonders of these ancient creatures by visiting an important nesting beach in South Florida. Participants will take a walk along the natural beach of Bear Cut Preserve where they will learn how sea turtles construct their nests. Participants will learn more about these ancient animals, what they eat, why they come to our shores, and where they are found through a 45 minute presentation conducted by one of our knowledgeable naturalists. Participants will have a chance to touch sea turtle artifacts such as shells, skulls, and the different items that they eat (sponges, corals, etc).

Appropriate for all ages.

Duration of program: 3 hours, including 30-minute lunch break at provided park shelter

(No additional fee)

Program Fee: \$7 per participant or \$150 flat rate for groups of 22 or less

Maximum: 60 participants

Sea Turtle Outreach

Explore the wonders of these ancient creatures that visit our South Florida beach, without having to leave your location. Learn more about these ancient animals: what they eat, why they come to our shores, and where they are found through a presentation conducted by one of our knowledgeable naturalists at your location. Have a chance to touch sea turtle artifacts such as shells, skulls, and the different items that they eat (sponges, corals, etc).

Appropriate for all ages.

Outreach Presentation: 1 hour

Program Fee: \$7 per participant or \$150 flat rate for groups of 22 or less

Maximum: 40 participants per presentation

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*****MANDATORY FIELDS - THIS PAGE TO BE COMPLETED UPON SUBMISSION*****

PROJECT NAME:	All Miami projects
COUNTY:	MIAMI-DADE
DEP PERMIT NUMBER:	233882
DATE SAND PLACEMENT COMPLETED (mm/yyyy):	
TYPE OF SAND PLACEMENT :	UN - Nourishment - Upland Sand Source
LENGTH OF PROJECT/SAND PLACEMENT AREA (kilometers):	5km
LENGTH OF REFERENCE/CONTROL AREA (kilometers):	
YEAR OF MONITORING:	YR 1 = 1st season following sand placement
NEST MARKING SCHEME (indicate if different for each species):	ALL
MARINE TURTLE PERMIT HOLDER(S) (name and MTP number):	Ahern 017
FLORIDA DEP R-MONUMENT (start):	R-60 to R-61, R-53.7 to R-55.5, R-48.7 to R-50.7, R-7 to R-12, R-27 to R-29, and R-43 to R-44+50C
FLORIDA DEP R-MONUMENT (end):	27th Street; 44th Street; 55th Street; Sunny Isles; Bal Harbor, Miami Beach
NESTING BEACH NAME:	Miami Beaches

Species	Within Project Area	Total # of Nests Counted (Marked and Unmarked)	Total # of False Crawls Counted (Marked and Unmarked)
LOGGERHEAD	Yes	58	24
LOGGERHEAD	No	181	90
GREEN	Yes	2	0
GREEN	No	30	22
LEATHERBACK	Yes	1	0
LEATHERBACK	No	2	0

FALSE CRAWL WORKSHEET

Date Crawl Recorded (mm/dd/yyyy)	Species	Crawl within Project Area? (YES/NO)	Escarpment ≥ 18" Encountered (YES/NO)	Final Activity	Distance From Dune (Feet) (5 Ft 3 In should be entered as 5.03)	Distance From MHW (Feet) (5 Ft 3 In should be entered as 5.03)	ID/Label (Optional)	Beach Zone (Optional)	Additional Notes (See Directions tab for examples of relevant notes)
4/30/2013	Cc	NO	YES	NO DIGGING	110Ft.00in.	100Ft.00in.	MB Fc #01	O - LG #02	HAULOVER BCH - LG 2 - 500' North of Inlet
5/7/2013	Cc	YES	NO	NO DIGGING	5Ft.00in.	31Ft.00in.	MB Fc #02	N - 99 St	BAL HARBOUR - Below Wrack - ~ 0.5km south of Inlet
5/9/2013	Cc	NO	NO	NO DIGGING	170Ft.00in.	75Ft.00in.	MB Fc #03	C - 15 St	MIAMI BEACH - 1501 Ocean Dr. - 3km north of Cut
5/12/2013	Cc	YES	NO	NO DIGGING	125Ft.00in.	25Ft.00in.	MB Fc #04	E - 34 St	MIAMI BEACH - 3401 A1A - 5km north of Cut
5/22/2013	Cc	YES	NO	NO DIGGING	2Ft.00in.	52Ft.00in.	MB Fc #05	T - 191 St	SUNNY ISLES - 1911 A1A The Ocean III Condo
5/28/2013	Cc	YES	NO	NO DIGGING	6Ft.00in.	47Ft.00in.	MB Fc #06	N - 101 St	BAL HARBOUR - The Bal One - 1000 ft south of Inlet
5/28/2013	Cc	NO	NO	NO DIGGING	68Ft.00in.	32Ft.00in.	MB Fc #07	D - 24 St	MIAMI BEACH - 2401 Ocean Dr. - 4km north of Cut
5/28/2013	Cc	NO	NO	NO DIGGING	170Ft.00in.	26Ft.00in.	MB Fc #08	A - 1 St	MIAMI BEACH - 1st Street NIKKIL BOTT CLUB - 1000 ft south of Inlet
5/28/2013	Cc	NO	YES	NO DIGGING	205Ft.00in.	42Ft.00in.	MB Fc #09	N - LG #02	HAULOVER BCH - LG 2 - 500' North of Inlet
5/28/2013	Cc	NO	NO	NO DIGGING	60Ft.00in.	73Ft.00in.	MB Fc #10	Q - 163 St	JOINT ISLES - 1630 A1A The Ocean Condo
5/31/2013	Cc	YES	NO	NO DIGGING	30Ft.00in.	65Ft.00in.	MB Fc #11	F - 45 St	MIAMI BEACH - 4501 A1A The Ocean Condo
6/5/2013	Cc	NO	NO	BODY PIT	35Ft.00in.	70Ft.00in.	MB Fc #12	M - 97 St	HARBOUR - 9701 A1A The St. Regis - 1km South Haul
6/9/2013	Cc	YES	NO	NO DIGGING	88Ft.00in.	23Ft.00in.	MB Fc #13	R - 172 St	JOINT ISLES - 1720 A1A The Ocean Condo
6/9/2013	Cc	YES	NO	NO DIGGING	81Ft.00in.	32Ft.00in.	MB Fc #14	S - 186 St	JOINT ISLES - 1860 A1A The Ocean Condo
6/11/2013	Cc	NO	NO	BODY PIT	200Ft.00in.	7Ft.00in.	MB Fc #15	A - Govt Cut	MIAMI BEACH - So Point Park - 2000' north of G Cut
6/12/2013	Cc	YES	NO	NO DIGGING	40Ft.00in.	60Ft.00in.	MB Fc #16	G - 47 St	MIAMI BEACH - 4701 A1A The Ocean Condo
6/12/2013	Cc	YES	NO	NO DIGGING	21Ft.00in.	101Ft.00in.	MB Fc #17	D - 26 St	MIAMI BEACH - 2601 A1A - 5km north of G Cut
6/14/2013	Cc	NO	NO	NO DIGGING	271Ft.00in.	57Ft.00in.	MB Fc #18	B - 6 St	MIAMI BEACH - 601 A1A The Ocean Condo
6/18/2013	Cc	NO	NO	BODY PIT	61Ft.00in.	52Ft.00in.	MB Fc #19	N - 101 St	HARBOUR - 10101 A1A The Palace - 1km South Haul
6/18/2013	Cc	NO	NO	BODY PIT	80Ft.00in.	74Ft.00in.	MB Fc #20	Q - 167 St	JOINT ISLES - 1670 A1A The Newport - 4km south of Inlet
6/18/2013	Cc	NO	NO	NO DIGGING	96Ft.00in.	11Ft.00in.	MB Fc #21	S - 181 St	JOINT ISLES - 1810 A1A The Ocean Condo
6/19/2013	Cc	NO	NO	NO DIGGING	161Ft.00in.	72Ft.00in.	MB Fc #22	C - 15 St	MIAMI BEACH - 1501 A1A The Ocean Condo
6/19/2013	Cc	NO	NO	NO DIGGING	242Ft.00in.	20Ft.00in.	MB Fc #23	B - 8 St	MIAMI BEACH - 801 A1A The Ocean Condo
6/20/2013	Cc	NO	NO	NO DIGGING	240Ft.00in.	22Ft.00in.	MB Fc #24	C - 16 St	MIAMI BEACH - 1601 A1A The Ocean Condo
6/20/2013	Cc	NO	NO	NO DIGGING	185Ft.00in.	30Ft.00in.	MB Fc #25	O - LG #06	HAULOVER BCH - No Side x 15' of LG 6 - 1km North of Inlet
6/20/2013	Cc	NO	NO	BODY PIT	162Ft.00in.	42Ft.00in.	MB Fc #26	P - LG #14	HAULOVER BCH - No Side x 10' of LG 14 - 2.5km North of Inlet
6/21/2013	Cc	YES	NO	BODY PIT	48Ft.00in.	35Ft.00in.	MB Fc #27	T - 193 St	JOINT ISLES - 1930 A1A The Ocean Condo
6/22/2013	Cc	NO	NO	BODY PIT	123Ft.00in.	113Ft.00in.	MB Fc #28	O - LG #09	HAULOVER BCH - No Side x 90' of LG 9 - 2km North of Inlet
6/23/2013	Cc	YES	NO	NO DIGGING	72Ft.00in.	67Ft.00in.	MB Fc #29	D - 23 St	MIAMI BEACH - 2399 A1A - 4km north of G Cut
6/23/2013	Cc	NO	NO	NO DIGGING	125Ft.00in.	101Ft.00in.	MB Fc #30	C - 14 St	MIAMI BEACH - 1401 A1A The Ocean Condo
6/23/2013	Cc	NO	NO	NO DIGGING	181Ft.00in.	31Ft.00in.	MB Fc #31	O - LG #06	HAULOVER BCH - No Side x 115' of LG 6 - 1km North of Inlet
6/23/2013	Cc	NO	NO	BODY PIT	65Ft.00in.	118Ft.00in.	MB Fc #32	P - LG #13	HAULOVER BCH - No Side x 100' of LG 13 - 3km North of Inlet
6/23/2013	Cc	NO	NO	NO DIGGING	194Ft.00in.	56Ft.00in.	MB Fc #33	O - LG #07	HAULOVER BCH - No Side of LG 7 - 1km North of Inlet
6/23/2013	Cc	NO	NO	NO DIGGING	182Ft.00in.	21Ft.00in.	MB Fc #34	O - LG #06	HAULOVER BCH - No Side x 150' of LG 6 - 1km North of Inlet
6/24/2013	Cc	NO	NO	NO DIGGING	47Ft.00in.	25Ft.00in.	MB Fc #35	R - 175 St	JOINT ISLES - 1750 A1A The Ocean Condo
6/24/2013	Cc	NO	NO	NO DIGGING	98Ft.00in.	22Ft.00in.	MB Fc #36	S - 181 St	JOINT ISLES - 1810 A1A The Ocean Condo
6/25/2013	Cc	NO	NO	NO DIGGING	71Ft.00in.	32Ft.00in.	MB Fc #37	J - 74 St	MIAMI BEACH - 7411 A1A - 10km north of G Cut
6/25/2013	Cc	NO	NO	NO DIGGING	4Ft.00in.	41Ft.00in.	MB Fc #38	G - 50 St	MIAMI BEACH - 5025 A1A - 7km north of G Cut
6/25/2013	Cc	YES	NO	NO DIGGING	47Ft.00in.	15Ft.00in.	MB Fc #39	F - 44 St	MIAMI BEACH - 4401 A1A The Ocean Condo
6/25/2013	Cc	YES	NO	NO DIGGING	69Ft.00in.	5Ft.00in.	MB Fc #40	F - 43 St	MIAMI BEACH - 4301 A1A The Ocean Condo
6/25/2013	Cc	NO	NO	NO DIGGING	87Ft.00in.	77Ft.00in.	MB Fc #41	D - 22 St	MIAMI BEACH - 2201 A1A The Ocean Condo
6/25/2013	Cc	YES	NO	NO DIGGING	0Ft.00in.	109Ft.00in.	MB Fc #42	D - 25 St	MIAMI BEACH - 2501 A1A - 4km north of G Cut
6/25/2013	Cc	YES	NO	NO DIGGING	61Ft.00in.	25Ft.00in.	MB Fc #43	E - 27 St	MIAMI BEACH - 2701 A1A - 5km north of G Cut
6/25/2013	Cc	YES	NO	NO DIGGING	68Ft.00in.	42Ft.00in.	MB Fc #44	T - 193 St	JOINT ISLES - 1930 A1A The Ocean Condo
6/25/2013	Cc	NO	YES	NO DIGGING	241Ft.00in.	6Ft.00in.	MB Fc #45	N - LG #02	HAULOVER BCH - So of LG 2 - 250' North of Inlet
6/25/2013	Cc	NO	NO	NO DIGGING	132Ft.00in.	110Ft.00in.	MB Fc #46	O - LG #07	HAULOVER BCH - In Front of LG 7 - 1km North of Inlet
6/28/2013	Cc	NO	NO	NO DIGGING	62Ft.00in.	57Ft.00in.	MB Fc #47	E - 38 St	MIAMI BEACH - 3801 A1A - 6km north of G Cut
6/28/2013	Cc	NO	NO	BODY PIT	119Ft.00in.	67Ft.00in.	MB Fc #48	O - LG #05	HAULOVER BCH - No Side x 45' of LG 5 - 1km North of Inlet
6/29/2013	Cc	NO	NO	NO DIGGING	201Ft.00in.	39Ft.00in.	MB Fc #49	A - 4 St	MIAMI BEACH - 401 A1A The Ocean Condo
6/29/2013	Cc	NO	NO	NO DIGGING	108Ft.00in.	82Ft.00in.	MB Fc #50	P - LG #12	HAULOVER BCH - No Side x 150' of LG 12 - 3km North of Inlet
6/29/2013	Cc	NO	NO	NO DIGGING	183Ft.00in.	38Ft.00in.	MB Fc #51	P - LG #12	HAULOVER BCH - LG 12 - 3km North of Inlet
6/30/2013	Cc	NO	NO	NO DIGGING	8Ft.00in.	76Ft.00in.	MB Fc #52	M - 98 St	HARBOUR - 9801 A1A The Seaview - 1.5km South Haul
6/30/2013	Cc	NO	NO	BODY PIT	156Ft.00in.	96Ft.00in.	MB Fc #53	O - LG #07	HAULOVER BCH - No x 300' of LG 7 - 1km North of Inlet
7/1/2013	Cc	NO	NO	NO DIGGING	202Ft.00in.	47Ft.00in.	MB Fc #54	C - 15 St	MIAMI BEACH - 1501 A1A The Ocean Condo
7/1/2013	Cc	NO	NO	NO DIGGING	209Ft.00in.	5Ft.00in.	MB Fc #55	A - 3 St	MIAMI BEACH - 301 A1A The Ocean Condo
7/1/2013	Cc	NO	YES	BODY PIT	88Ft.00in.	34Ft.00in.	MB Fc #56	R - 172 St	JOINT ISLES - 1720 A1A The Ocean Condo
7/2/2013	Cc	NO	NO	NO DIGGING	15Ft.00in.	47Ft.00in.	MB Fc #57	M - 97 St	HARBOUR - 9701 A1A The St. Regis - 1km South Haul
7/2/2013	Cc	NO	NO	NO DIGGING	205Ft.00in.	45Ft.00in.	MB Fc #58	C - 15 St	MIAMI BEACH - 1501 A1A The Ocean Condo
7/4/2013	Cc	NO	NO	BODY PIT	10Ft.00in.	72Ft.00in.	MB Fc #59	M - 97 St	HARBOUR - 9701 A1A The St. Regis - 1km South Haul
7/5/2013	Cc	NO	NO	NO DIGGING	123Ft.00in.	18Ft.00in.	MB Fc #60	S - 185 St	JOINT ISLES - 1850 A1A The Ocean Condo
7/5/2013	Cc	NO	NO	NO DIGGING	207Ft.00in.	32Ft.00in.	MB Fc #61	C - 14 St	MIAMI BEACH - ~1401 Ocean Dr. - 3km north of Cut
7/6/2013	Cc	YES	NO	NO DIGGING	77Ft.00in.	42Ft.00in.	MB Fc #62	E - 26 St	MIAMI BEACH - 2655 A1A - 5km north of G Cut
7/6/2013	Cc	NO	NO	BODY PIT	130Ft.00in.	62Ft.00in.	MB Fc #63	N - LG #09	HAULOVER BCH - No x 75' of LG 9 - 1km North of Inlet
7/6/2013	Cc	NO	NO	NO DIGGING	25Ft.00in.	210Ft.00in.	MB Fc #64	O - LG #08	HAULOVER BCH - LONG WALK No x 50' of LG 8 - 1km North of Inlet
7/6/2013	Cc	NO	NO	NO DIGGING	58Ft.00in.	17Ft.00in.	MB Fc #65	R - 171 St	JOINT ISLES - 1710 A1A The Ocean Condo
7/6/2013	Cc	NO	NO	BODY PIT	26Ft.00in.	98Ft.00in.	MB Fc #66	Q - 164 St	JOINT ISLES - 1640 A1A The Ocean Condo
7/8/2013	Cc	NO	NO	EGG CHAMBER	0Ft.00in.	76Ft.00in.	MB Fc #67	N - 98 St	BAL HARBOUR - 9801 A1A - 1km South Haul Inlet
7/8/2013	Cc	YES	NO	NO DIGGING	36Ft.00in.	172Ft.00in.	MB Fc #68	E - 30 St	MIAMI BEACH - ~3025 A1A - 5km north of Gov Cut
7/8/2013	Cc	YES	NO	NO DIGGING	12Ft.00in.	101Ft.00in.	MB Fc #69	D - 26 St	MIAMI BEACH - 2601 A1A - 5km north of G Cut
7/8/2013	Cc	YES	NO	NO DIGGING	48Ft.00in.	41Ft.00in.	MB Fc #70	T - 193 St	JOINT ISLES - 1930 A1A The Ocean Condo
7/8/2013	Cc	YES	NO	NO DIGGING	81Ft.00in.	32Ft.00in.	MB Fc #71	T - 189 St	SUNNY ISLES - 18911 A1A Ocean III Condo
7/9/2013	Cc	YES	NO	BODY PIT	45Ft.00in.	18Ft.00in.	MB Fc #72	T - 193 St	JOINT ISLES - 1930 A1A The Ocean Condo
7/10/2013	Cc	NO	NO	NO DIGGING	179Ft.00in.	23Ft.00in.	MB Fc #73	O - LG #06	HAULOVER BCH - No Side x 50' of LG 6 - 1km North of Inlet
7/10/2013	Cc	NO	NO	BODY PIT	140Ft.00in.	29Ft.00in.	MB Fc #74	P - LG #12	HAULOVER BCH - No Side of LG 12 - 3km North of Inlet
7/13/2013	Cc	NO	NO	NO DIGGING	197Ft.00in.	42Ft.00in.	MB Fc #75	O - LG #07	HAULOVER BCH - South of LG 7 - 1km North of Inlet
7/14/2013	Cc	NO	NO	BODY PIT	212Ft.00in.	34Ft.00in.	MB Fc #76	C - 16 St	MIAMI BEACH - 1601 A1A The Ocean Condo

7/21/2013	Cc	NO	NO	NO DIGGING	174FL00in.	23FT00in.	MB Fc #77	O - LG #09	HAUOVER BCH - No x 150' of LG 9 - 1km North of Inlet
7/21/2013	Cc	YES	NO	NO DIGGING	67FL00in.	26FL00in.	MB Fc #78	D - 26 St	MIAMI BEACH - 2601 A1A - 5km north of G Cut
7/23/2013	Cc	YES	NO	NO DIGGING	91FL00in.	72FL00in.	MB Fc #79	F - 43 St	MIAMI BEACH - 4301 A1A The Fontainebleau II - 3km North of G Cut
7/23/2013	Cc	NO	NO	NO DIGGING	23FL00in.	75FL00in.	MB Fc #80	Q - 159 St	SUNNY ISLES - 15901 A1A The Trump
7/25/2013	Cc	NO	NO	NO DIGGING	233FL00in.	22FL00in.	MB Fc #81	B - 11 St	MIAMI BEACH - 1101 A1A The Commodore - 3km North of G Cut
7/28/2013	Cc	NO	NO	NO DIGGING	62FL00in.	18FL00in.	MB Fc #82	M - 97 St	HARBOR - 9701 A1A The St. Regis - 1km South Haul
7/29/2013	Cc	NO	NO	NO DIGGING	0FL00in.	121FL00in.	MB Fc #83	M - 95 St	SURFSIDE - 9595 A1A - 1.5 km So. Haul Inlet
7/30/2013	Cc	NO	NO	BODY PIT	83FL00in.	76FL00in.	MB Fc #84	O - LG #05	AUOVER BCH - No Side x 50' of LG 5 - 1km North of Inlet
8/2/2013	Cc	NO	NO	NO DIGGING	90FL00in.	40FL00in.	MB Fc #85	P - 155 St	SUNNY ISLES - 15501 A1A The Commodore - 3km North of G Cut
8/9/2013	Cc	NO	NO	EGG CHAMBER	147FL00in.	36FL00in.	MB Fc #86	P - LG #14	VER BCH - Nude Bch So. Side x 50' of LG 14 - 1km North of Inlet
8/10/2013	Cc	NO	NO	BODY PIT	65FL00in.	76FL00in.	MB Fc #87	S - 179 St	SUNNY ISLES - 17901 A1A The Commodore - 3km North of G Cut
8/11/2013	Cc	NO	NO	NO DIGGING	18FL00in.	122FL00in.	MB Fc #88	P - LG #12	AUOVER BCH - SouthSide of LG 12 - 3km North of Inlet
8/11/2013	Cc	NO	YES	NO DIGGING	68FL00in.	187FL00in.	MB Fc #89	N - LG #03	HAUOVER BCH - South of LG 3 - 1000' North of Inlet
8/12/2013	Cc	NO	NO	BODY PIT	0FL00in.	240FL00in.	MB Fc #90	O - LG #10	HAUOVER BCH - No of LG 3 x 50' - 2km North of Inlet
5/16/2013	Cc	NO	NO	NO DIGGING	58FL00in.	12FL00in.	Golden Bch #01	Lot #04	GOLDEN BCH - 125 Ocean Blvd (A1A)
5/16/2013	Cc	NO	NO	NO DIGGING	73FL00in.	48FL00in.	Golden Bch #02	Lot #38	GOLDEN BCH - 415 Ocean Blvd (A1A)
5/25/2013	Cc	NO	NO	NO DIGGING	84FL00in.	63FL00in.	Golden Bch #03	Lot #22	GOLDEN BCH - 239 Ocean Blvd (A1A)
6/2/2013	Cc	NO	NO	NO DIGGING	97FL00in.	17FL00in.	Golden Bch #04	Lot #40	GOLDEN BCH - 445 Ocean Blvd (A1A)
6/3/2013	Cc	NO	NO	BODY PIT	2FL00in.	68FL00in.	Golden Bch #05	Lot #69	GOLDEN BCH - 641 Ocean Blvd (A1A)
6/4/2013	Cc	NO	NO	NO DIGGING	52FL00in.	48FL00in.	Golden Bch #06	Lot #55	GOLDEN BCH - 501 Ocean Blvd (A1A)
6/19/2013	Cc	NO	NO	BODY PIT	2FL00in.	96FL00in.	Golden Bch #07	Lot #02	GOLDEN BCH - 105 Ocean Blvd (A1A)
6/21/2013	Cc	NO	NO	NO DIGGING	88FL00in.	36FL00in.	Golden Bch #08	Lot #08	GOLDEN BCH - 175 Ocean Blvd (A1A)
8/22/2013	Cc	NO	NO	BODY PIT	0FL00in.	56FL00in.	Golden Bch #09	Lot #69	GOLDEN BCH - 641 Ocean Blvd (A1A)
7/3/2013	Cc	NO	NO	EGG CHAMBER	5FL00in.	45FL00in.	Golden Bch #10	Lot #69	GOLDEN BCH - 641 Ocean Blvd (A1A)
7/5/2013	Cc	NO	NO	EGG CHAMBER	2FL00in.	54FL00in.	Golden Bch #11	Lot #71	GOLDEN BCH - 677 Ocean Blvd (A1A)
7/7/2013	Cc	NO	NO	NO DIGGING	74FL00in.	12FL00in.	Golden Bch #12	Lot #31	GOLDEN BCH - 317 Ocean Blvd (A1A) below wrack
7/7/2013	Cc	NO	NO	NO DIGGING	2FL00in.	6FL00in.	Golden Bch #13	Lot #09	GOLDEN BCH - 177 Ocean Blvd (A1A) below wrack
7/8/2013	Cc	NO	YES	NO DIGGING	5FL00in.	91FL00in.	Golden Bch #14	Lot #05	GOLDEN BCH - 135 Ocean Blvd (A1A)
7/9/2013	Cc	NO	NO	NO DIGGING	4FL00in.	82FL00in.	Golden Bch #15	Lot #09	GOLDEN BCH - 177 Ocean Blvd (A1A)
7/26/2013	Cc	NO	NO	BODY PIT	56FL00in.	63FL00in.	Golden Bch #16	Lot #19	GOLDEN BCH - 219 Ocean Blvd (A1A)
7/26/2013	Cc	NO	NO	NO DIGGING	61FL00in.	18FL00in.	Golden Bch #17	Lot #74	GOLDEN BCH - 683 Ocean Blvd (A1A)
7/27/2013	Cc	NO	NO	NO DIGGING	42FL00in.	48FL00in.	Golden Bch #18	Lot #11	GOLDEN BCH - 185 Ocean Blvd (A1A)
7/27/2013	Cc	NO	YES	EGG CHAMBER	23FL00in.	56FL00in.	Golden Bch #19	Lot #66	GOLDEN BCH - 601 Ocean Blvd (A1A)
6/13/2013	Cm	NO	NO	NO DIGGING	0FL00in.	106FL00in.	GB Cm Fc #01	Lot #35	GBch - 355 Ocean Blvd (A1A) Cm Injury F Flip
6/23/2013	Cm	NO	NO	EGG CHAMBER	9FL00in.	110FL00in.	GB Cm Fc #02	Lot #23	GBch - 249 Ocean Blvd (A1A) Cm Injury F Flip
6/23/2013	Cm	NO	NO	BODY PIT	59FL00in.	38FL00in.	GB Cm Fc #03	Lot #16	GBch - 201 Ocean Blvd (A1A) Cm Injury F Flip
7/6/2013	Cm	NO	YES	EGG CHAMBER	1FL00in.	47FL00in.	GB Cm Fc #04	Lot #65	GBch - 661 Ocean Blvd (A1A)
7/9/2013	Cm	NO	NO	BODY PIT	2FL00in.	82FL00in.	GB Cm Fc #05	Lot #15	205 Ocean Blvd (A1A) Cm walked from Lot 15 North to
7/11/2013	Cm	NO	NO	EGG CHAMBER	0FL00in.	130FL00in.	GB Cm Fc #06	Lot #18	9 Ocean Blvd (A1A) Cm Injury walked from Lot 18 North
7/15/2013	Cm	NO	NO	NO DIGGING	0FL00in.	98FL00in.	GB Cm Fc #07	Lot #41	GBch - 41 Ocean Blvd (A1A) 2 Lots North LGHQ
7/16/2013	Cm	NO	YES	EGG CHAMBER	0FL00in.	88FL00in.	GB Cm Fc #08	Lot #67	- 615 Ocean Blvd (A1A) Long Walk - 1,000FT So. Cont
7/17/2013	Cm	NO	NO	EGG CHAMBER	32FL00in.	62FL00in.	GB Cm Fc #09	Lot #29	GBch - 291 Ocean Blvd (A1A) 3 Chambers
8/12/2013	Cm	NO	YES	EGG CHAMBER	2FL00in.	83FL00in.	GB Cm Fc #10	Lot #39	Ocean Blvd LGHQ (A1A) Cm Injury walked from Lot 39
8/24/2013	Cm	NO	YES	EGG CHAMBER	0FL00in.	82FL00in.	GB Cm Fc #11	Lot #67	5 Ocean Blvd (A1A) 2 Chambers 4 B Pits - 1,000FT So.
6/6/2013	Cm	NO	NO	EGG CHAMBER	255FL00in.	45FL00in.	MB Cm Fc #01	C - 15 St	MIAMI BEACH - 1501 A1A The Commodore - 3km North of G Cut
							MB Cm Fc #02		
6/17/2013	Cm	NO	NO	BODY PIT	192FL00in.	81FL00in.	MB Cm Fc #03	O - LG #05	HAUOVER BCH - No Side of LG 5 - 1km North of Inlet
6/20/2013	Cm	NO	NO	NO DIGGING	237FL00in.	91FL00in.	MB Cm Fc #04	C - 14 St	MIAMI BEACH - 1401 A1A The Commodore - 3km North of G Cut
6/20/2013	Cm	NO	NO	NO DIGGING	221FL00in.	52FL00in.	MB Cm Fc #05	C - 15 St	MIAMI BEACH - 1501 A1A The Commodore - 3km North of G Cut
6/29/2013	Cm	NO	NO	BODY PIT	150FL00in.	23FL00in.	MB Cm Fc #06	P - LG #14	OVER BCH - Nude Bch No Side of LG 14 - 3km North of Inlet
6/29/2013	Cm	NO	NO	NO DIGGING	163FL00in.	32FL00in.	MB Cm Fc #07	O - LG #08	HAUOVER BCH - No Side of LG 14 - 2km North of Inlet
7/12/2013	Cm	NO	NO	BODY PIT	178FL00in.	67FL00in.	MB Cm Fc #08	O - LG #07	DVER BCH - Injury F Flip No Side of LG 07 - 2km North of Inlet
7/12/2013	Cm	NO	NO	NO DIGGING	187FL00in.	72FL00in.	MB Cm Fc #09	O - LG #05	ER BCH - Injury F Flip so Side X 100' of LG 5 - 1km North of Inlet
7/24/2013	Cm	NO	NO	EGG CHAMBER	178FL00in.	42FL00in.	MB Cm Fc #10	O - LG #10	UOVER BCH - So. Side x 125' of LG 10 - 2km North of Inlet
7/25/2013	Cm	NO	NO	NO DIGGING	192FL00in.	61FL00in.	MB Cm Fc #11	C - 16 St	MIAMI BEACH - 1601 A1A The Commodore - 3km North of G Cut
7/26/2013	Cm	NO	NO	BODY PIT	178FL00in.	41FL00in.	MB Cm Fc #12	O - LG #08	DVER BCH - Injury F Flip In Front of LG 14 - 2km North of Inlet
6/10/2013	Cc	NO	NO	NO DIGGING	0FL00in.	97FL00in.	Fisher Is Fc #01	Club Beach	FISHER ISLAND - Club Bch South Jetty - 1.5km So. Of G Cut
6/23/2013	Cc	NO	NO	NO DIGGING	0FL00in.	28FL00in.	Fisher Is Fc #02	Res. Bch	FISHER ISLAND - Oceanside II - 1km So. Of G Cut
6/24/2013	Cc	NO	NO	NO DIGGING	0FL00in.	116FL00in.	Fisher Is Fc #03	Res. Bch	FISHER ISLAND - Oceanside II - 1km So. Of G Cut
6/24/2013	Cc	NO	NO	BODY PIT	0FL00in.	44FL00in.	Fisher Is Fc #04	Res. Bch	FISHER ISLAND - Oceanside V - 0.5km So. Of G Cut
7/9/2013	Cc	NO	NO	NO DIGGING	0FL00in.	48FL00in.	Fisher Is Fc #05	Res. Bch	FISHER ISLAND - Oceanside I - 1km So. Of G Cut
4/14/2014	Dc	NO	NO	NO DIGGING	4FL00in.	66FL00in.	MB Dc Fc #01	D - 24 St	MIAMI BEACH - 2401 A1A - 4km north of Cut
5/16/2014	Cc	YES	NO	NO DIGGING	54FL00in.	62FL00in.	MB Fc #01	S - 181 St	SUNNY ISLES - 18101 A1A - The Trump
5/18/2014	Cc	NO	NO	BODY PIT	62FL00in.	51FL00in.	MB Fc #02	D - 22 St	MIAMI BEACH - 2201 A1A The W
5/18/2014	Cc	NO	NO	NO DIGGING	136FL00in.	28FL00in.	MB Fc #03	O - LG #04	HAUOVER BEACH - LG 4 South x 20 yds
5/19/2014	Cc	YES	NO	NO DIGGING	4FL00in.	72FL00in.	MB Fc #04	M - 92 St	SURFSIDE - 9201 A1A The Waverly Hotel
5/20/2014	Cc	NO	NO	NO DIGGING	36FL00in.	54FL00in.	MB Fc #05	J - 71 St	MIAMI BEACH - 7101 A1A
5/22/2014	Cc	YES	NO	NO DIGGING	16FL00in.	20FL00in.	MB Fc #06	G - 54 St	MIAMI BEACH - 5445 A1A The Castle
5/23/2014	Cc	YES	YES	BODY PIT	34FL00in.	40FL00in.	MB Fc #07	M - 91 St	SURFSIDE - 9165 A1A Hillcrest By Sea Yellow Condo
5/28/2014	Cc	YES	NO	BODY PIT	98FL00in.	48FL00in.	MB Fc #08	M - 97 St	HARBOR - 9701 A1A The St. Regis - 1km South Haul
5/28/2014	Cc	YES	NO	NO DIGGING	105FL00in.	50FL00in.	MB Fc #09	M - 99 St	BAL HARBOR - 9909 A1A The Sea View
5/28/2014	Cc	YES	NO	NO DIGGING	66FL00in.	32FL00in.	MB Fc #10	T - 192 St	SUNNY ISLES - 19201 A1A The Marco Polo
5/29/2014	Cc	NO	NO	NO DIGGING	104FL00in.	12FL00in.	MB Fc #11	P - LG #13	HAUOVER BEACH - LG #13 South x 40 yds
5/29/2014	Cc	NO	NO	NO DIGGING	201FL00in.	32FL00in.	MB Fc #12	B - 13 St	MIAMI BEACH - 1301 A1A Lumus Park
5/29/2014	Cc	NO	NO	NO DIGGING	170FL00in.	88FL00in.	MB Fc #13	D - 17 St	MIAMI BEACH - 1701 A1A The Ritz
5/29/2014	Cc	NO	NO	NO DIGGING	136FL00in.	52FL00in.	MB Fc #14	D - 22 St	MIAMI BEACH - 2201 A1A The W
5/30/2014	Cc	YES	NO	BODY PIT	103FL00in.	27FL00in.	MB Fc #15	N - 101 St	BAL HARBOR - 10185 A1A The Plaza
5/30/2014	Cc	NO	NO	NO DIGGING	98FL00in.	12FL00in.	MB Fc #16	Q - 164 St	UNNY ISLES - 16485 A1A - Oceana I south of Pier 300
5/31/2014	Cc	YES	NO	BODY PIT	1FL00in.	104FL00in.	MB Fc #17	M - 95 St	SURFSIDE - 9556 A1A The Sol Mar Condo
5/31/2014	Cc	NO	NO	NO DIGGING	95FL00in.	11FL00in.	MB Fc #18	P - 159 St	SUNNY ISLES - 15901 A1A The TRUMP II
6/3/2014	Cc	NO	NO	NO DIGGING	123FL00in.	32FL00in.	MB Fc #19	M - 97 St	BAL HARBOR - 9701 A1A The St. Regis
6/7/2014	Cc	YES	NO	NO DIGGING	40FL00in.	36FL00in.	MB Fc #20	M - 95 St	SURFSIDE - 9559 A1A The Sol Mar Condo
6/9/2014	Cc	YES	NO	NO DIGGING	97FL00in.	10FL00in.	MB Fc #21	I - 64 St	MIAMI BEACH - 6401 A1A The Monte Carlo
6/10/2014	Cc	NO	NO	NO DIGGING	101FL00in.	32FL00in.	MB Fc #22	A - Cut	MIAMI BEACH - 135 South Point Dr The Continuum
6/10/2014	Cc	YES	NO	BODY PIT	18FL00in.	72FL00in.	MB Fc #23	S - 185 St	SUNNY ISLES - 18501 A1A The Turnberry
6/11/2014	Cc	NO	NO	BODY PIT	101FL00in.	50FL00in.	MB Fc #24	A - 1 St	MIAMI BEACH - 135 South Point Dr The Continuum

Cc Nest Worksheet

If "YES" then Inventory. HS and ES values will automatically be generated as "0" or "0%." If available, inventory data for partial washouts can be entered but HS and ES will be 0% for Nourishment Productivity.

Date Nest Recorded (mm/dd/yyyy)	Escarpment ≥ 18" Encountered (YES/NO)	ID/Label	Beach Zone (Optional)	Nest within Project Area (YES/NO)	Distance From Dune (Feet) (5 Ft 3 In should be entered as 5.03)	Distance From MHW (Feet) (5 Ft 3 In should be entered as 5.03)	Nest Relocated (YES/NO)	Nest Washed Over (YES/NO)	Nest Completely or Partially Washed Out (YES/NO)	Nest Completely Depredated (YES/NO)
4/30/2013	NO	MB # 01	O - LG # 4	NO	130Ft.00in.	64Ft.00in.	NO	NO	NO	NO
5/1/2013	NO	MB # 02	O - LG # 8	NO	210Ft.00in.	31Ft.00in.	YES	NO	NO	NO
5/4/2013	NO	MB # 03	R - 175 St	NO	55Ft.00in.	22Ft.00in.	YES	NO	NO	NO
5/4/2013	NO	MB # 04	S - 186 St	NO	95Ft.06in.	16Ft.06in.	YES	NO	NO	NO
5/5/2013	NO	MB # 05	N - 101 St	YES	3Ft.00in.	15Ft.10in.	YES	NO	NO	NO
5/6/2013	NO	MB # 06	F - 43 St	YES	90Ft.00in.	25Ft.00in.	YES	NO	NO	NO
5/8/2013	NO	MB # 07	G - 53 St	YES	15Ft.00in.	25Ft.00in.	YES	NO	NO	NO
5/8/2013	NO	MB # 08	G - 52 St	YES	70Ft.00in.	29Ft.00in.	YES	NO	NO	NO
5/10/2013	NO	MB # 09	P - 156 St	NO	80Ft.00in.	40Ft.00in.	NO	YES	NO	NO
5/10/2013	NO	MB # 10	Q - 159 St	NO	96Ft.00in.	22Ft.00in.	YES	NO	NO	NO
5/10/2013	NO	MB # 11	A - 4 St	NO	191Ft.02in.	34Ft.05in.	YES	NO	NO	NO
5/11/2013	NO	MB # 12	S - 181 St	NO	85Ft.00in.	24Ft.00in.	YES	NO	NO	NO
5/13/2013	NO	MB # 13	S - 183 St	NO	113Ft.00in.	63Ft.00in.	NO	YES	NO	NO
5/13/2013	NO	MB # 14	E - 29 St	NO	167Ft.00in.	24Ft.00in.	YES	NO	NO	NO
5/14/2013	NO	MB # 15	N - 102 St	YES	2Ft.00in.	58Ft.00in.	YES	NO	NO	NO
5/14/2013	NO	MB # 16	F - 46 St	YES	55Ft.00in.	27Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 17	D - 25 St	YES	30Ft.00in.	60Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 18	E - 35 St	NO	175Ft.00in.	35Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 19	O - LG # 9	NO	233Ft.00in.	32Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 20	O - LG # 4	NO	128Ft.00in.	92Ft.00in.	NO	NO	NO	NO
5/17/2013	NO	MB # 21	H - 58 St	NO	156Ft.00in.	15Ft.00in.	YES	NO	NO	NO
5/17/2013	NO	MB # 22	M - 95 St	NO	74Ft.00in.	56Ft.00in.	NO	NO	NO	NO
5/17/2013	NO	MB # 23	S - 181 St	YES	125Ft.00in.	53Ft.00in.	NO	YES	NO	NO
5/18/2013	NO	MB # 24	P - LG # 15	NO	117Ft.00in.	28Ft.00in.	YES	NO	NO	NO
5/19/2013	NO	MB # 25	I - 63 St	NO	86Ft.00in.	29Ft.00in.	YES	NO	NO	NO
5/20/2013	NO	MB # 26	P - 158 St	NO	90Ft.00in.	26Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	MB # 27	A - 1 St	NO	200Ft.00in.	31Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	MB # 28	H - 55 St	NO	75Ft.00in.	16Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	MB # 29	M - 96 St	YES	60Ft.00in.	25Ft.00in.	YES	NO	NO	NO
5/22/2013	NO	MB # 30	R - 173 St	NO	68Ft.00in.	48Ft.00in.	YES	NO	NO	NO
5/23/2013	NO	MB # 31	F - 46 St	YES	65Ft.00in.	16Ft.00in.	YES	NO	NO	NO
5/24/2013	NO	MB # 32	P - 157 St	NO	96Ft.00in.	43Ft.00in.	NO	YES	NO	NO
5/25/2013	NO	MB # 33	A - 4 St	NO	210Ft.00in.	10Ft.00in.	YES	NO	NO	NO
5/25/2013	NO	MB # 34	P - LG # 11	NO	215Ft.00in.	43Ft.00in.	NO	YES	NO	NO
5/26/2013	NO	MB # 35	H - 58 St	NO	101Ft.00in.	258Ft.00in.	NO	NO	NO	NO
5/26/2013	NO	MB # 36	S - 183 St	NO	83Ft.00in.	52Ft.00in.	NO	NO	NO	NO
5/26/2013	NO	MB # 37	O - LG # 7	NO	161Ft.00in.	56Ft.00in.	NO	NO	NO	NO
5/28/2013	NO	MB # 38	R - 177 St	NO	11Ft.00in.	88Ft.00in.	NO	NO	NO	NO
5/28/2013	NO	MB # 39	P - LG # 12	NO	220Ft.00in.	18Ft.00in.	YES	NO	NO	NO
5/28/2013	NO	MB # 40	T - 192 St	YES	18Ft.00in.	52Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 41	M - 97 St	YES	4Ft.00in.	96Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 42	D - 24 St	YES	67Ft.00in.	30Ft.00in.	YES	NO	NO	NO
5/29/2013	NO	MB # 43	Q - 167 St	NO	104Ft.80in.	63Ft.30in.	NO	NO	NO	NO
5/29/2013	NO	MB # 44	O - LG # 11	NO	110Ft.00in.	43Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 45	O - LG # 3	NO	160Ft.00in.	61Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 46	N - LG # 2	NO	125Ft.00in.	55Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 47	R - 175 St	YES	88Ft.00in.	56Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 48	O - LG # 4	NO	120Ft.00in.	80Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 49	M - 95 St	NO	45Ft.00in.	72Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 50	K - 83 St	NO	30Ft.00in.	78Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 51	J - 77 St	NO	70Ft.00in.	67Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 52	I - 66 St	NO	85Ft.00in.	35Ft.00in.	YES	NO	NO	NO
6/1/2013	YES	MB # 53	Q - 160 St	NO	52Ft.00in.	38Ft.00in.	NO	NO	NO	NO
6/1/2013	NO	MB # 54	Q - 160 St	NO	48Ft.00in.	46Ft.00in.	NO	YES	NO	NO
6/1/2013	NO	MB # 55	G - 54 St	YES	5Ft.00in.	20Ft.00in.	YES	NO	NO	NO
6/3/2013	NO	MB # 56	P - LG # 15	NO	96Ft.00in.	13Ft.00in.	YES	NO	NO	NO
6/3/2013	YES	MB # 57	N - LG # 1	NO	180Ft.00in.	38Ft.00in.	NO	YES	YES	NO
6/5/2013	NO	MB # 58	Q - 164 St	NO	78Ft.00in.	18Ft.00in.	YES	NO	NO	NO
6/5/2013	NO	MB # 59	S - 180 St	YES	80Ft.00in.	26Ft.00in.	YES	NO	NO	NO
6/5/2013	NO	MB # 60	A - 1 St	NO	215Ft.00in.	45Ft.00in.	NO	YES	NO	NO
6/6/2013	NO	MB # 61	H - 56 St	YES	95Ft.00in.	10Ft.00in.	NO	NO	NO	NO
6/7/2013	NO	MB # 62	K-79 St	NO	95Ft.00in.	20Ft.00in.	NO	YES	YES	NO
6/9/2013	NO	MB # 63	R - 173 St	NO	88Ft.00in.	18Ft.00in.	YES	NO	NO	NO
6/9/2013	NO	MB # 64	Q - 186 St	NO	78Ft.00in.	16Ft.00in.	YES	NO	NO	NO
6/10/2013	NO	MB # 65	O - LG # 6	NO	138Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/10/2013	NO	MB # 66	N - LG # 5	NO	188Ft.00in.	36Ft.00in.	NO	NO	NO	NO
6/10/2013	NO	MB # 67	A - 4 St	NO	245Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/11/2013	NO	MB # 68	Q - 164 St	NO	58Ft.00in.	64Ft.00in.	NO	NO	NO	NO
6/11/2013	NO	MB # 69	A - 1 St	NO	210Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/11/2013	NO	MB # 70	A - 4 St	NO	230Ft.00in.	15Ft.00in.	YES	NO	NO	NO
6/11/2013	NO	MB # 71	O - LG # 11	NO	171Ft.00in.	32Ft.00in.	NO	NO	NO	NO
6/12/2013	NO	MB # 72	T - 192 St	YES	30Ft.00in.	70Ft.00in.	NO	NO	NO	NO
6/12/2013	NO	MB # 73	E - 29 St	NO	176Ft.00in.	25Ft.00in.	YES	NO	NO	NO
6/12/2013	NO	MB # 74	O - LG # 6	NO	205Ft.00in.	25Ft.00in.	NO	NO	NO	NO
6/12/2013	NO	MB # 75	O - LG # 6	NO	248Ft.00in.	22Ft.00in.	NO	NO	NO	NO

6/12/2013	NO	MB # 76	O - LG # 5	NO	177Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/13/2013	NO	MB # 77	A - Govt Cut	NO	222Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/13/2013	NO	MB # 78	G - 47 St	YES	52Ft.00in.	23Ft.00in.	YES	NO	NO	NO
6/14/2013	NO	MB # 79	D - 24 St	NO	69Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/14/2013	NO	MB # 80	J - 68 St	YES	46Ft.00in.	67Ft.00in.	NO	NO	NO	NO
6/14/2013	NO	MB # 81	I - 64 St	NO	76Ft.00in.	57Ft.00in.	NO	NO	NO	NO
6/14/2013	NO	MB # 82	I - 63 St	NO	82Ft.00in.	64Ft.00in.	NO	NO	NO	NO
6/14/2013	NO	MB # 83	H - 60 St	NO	46Ft.00in.	82Ft.00in.	NO	NO	NO	NO
6/15/2013	NO	MB # 84	O - LG # 6	NO	123Ft.00in.	64Ft.00in.	NO	NO	NO	NO
6/16/2013	NO	MB # 85	Q - 160 St	NO	64Ft.00in.	36Ft.00in.	NO	NO	NO	NO
6/16/2013	NO	MB # 86	G - 47 St	YES	57Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/16/2013	NO	MB # 87	N - 101 St	YES	24Ft.00in.	29Ft.00in.	YES	NO	NO	NO
6/17/2013	NO	MB # 88	O - LG # 10	NO	202Ft.00in.	48Ft.00in.	NO	NO	NO	NO
6/17/2013	NO	MB # 89	Q - 160 St	NO	61Ft.00in.	52Ft.00in.	NO	NO	NO	NO
6/17/2013	NO	MB # 90	G - 53 St	YES	49Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 91	A - 2 St	NO	201Ft.00in.	20Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 92	C - 16 St	NO	213Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 93	D - 22 St	NO	101Ft.00in.	20Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 94	L - 88 St	NO	32Ft.00in.	97Ft.00in.	NO	NO	NO	NO
6/19/2013	NO	MB # 95	F - 44 St	YES	67Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/19/2013	NO	MB # 96	M - 94 St	NO	67Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/19/2013	NO	MB # 97	M - 94 St	NO	67Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/19/2013	NO	MB # 98	I - 60 St	NO	76Ft.00in.	34Ft.00in.	NO	NO	NO	NO
6/20/2013	NO	MB # 99	Q - 160 St	NO	92Ft.00in.	16Ft.00in.	YES	NO	NO	NO
6/21/2013	NO	MB # 100	A - 5 St	NO	177Ft.00in.	14Ft.00in.	YES	NO	NO	NO
6/22/2013	NO	MB # 101	R - 173 St	NO	86Ft.00in.	22Ft.00in.	YES	NO	NO	NO
6/23/2013	NO	MB # 102	O - LG # 5	NO	130Ft.00in.	121Ft.00in.	NO	NO	NO	NO
6/24/2013	NO	MB # 103	O - LG # 8	NO	166Ft.00in.	48Ft.00in.	NO	NO	NO	NO
6/24/2013	NO	MB # 104	P - LG # 13	NO	202Ft.00in.	18Ft.00in.	YES	NO	NO	NO
6/24/2013	NO	MB # 105	O - LG # 6	NO	125Ft.00in.	72Ft.00in.	NO	NO	NO	NO
6/25/2013	NO	MB # 106	A - 1 St	NO	201Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 107	E - 30 St	YES	200Ft.00in.	15Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 108	F - 44 St	YES	65Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 109	H - 58 St	NO	176Ft.00in.	15Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 110	K - 81 St	NO	26Ft.00in.	72Ft.00in.	NO	NO	NO	NO
6/26/2013	NO	MB # 111	B - 11 St	YES	242Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/26/2013	NO	MB # 112	O - LG # 3	NO	96Ft.00in.	110Ft.00in.	NO	NO	NO	NO
6/28/2013	NO	MB # 113	A - 1 St	NO	222Ft.00in.	12Ft.00in.	YES	NO	NO	NO
6/28/2013	NO	MB # 114	Q - 160 St	NO	73Ft.00in.	21Ft.00in.	YES	NO	NO	NO
6/28/2013	NO	MB # 115	M - 93 St	NO	0Ft.00in.	86Ft.00in.	NO	NO	NO	NO
6/28/2013	NO	MB # 116	M - 95 St	NO	5Ft.00in.	66Ft.00in.	NO	NO	NO	NO
6/29/2013	NO	MB # 117	O - LG # 9	NO	198Ft.00in.	42Ft.00in.	NO	NO	NO	NO
6/29/2013	NO	MB # 118	H - 56 St	NO	87Ft.00in.	81Ft.00in.	NO	NO	NO	NO
6/30/2013	NO	MB # 119	D - 24 St	YES	41Ft.00in.	25Ft.00in.	YES	NO	NO	NO
6/30/2013	NO	MB # 120	H - 58 St	NO	177Ft.00in.	47Ft.00in.	NO	YES	YES	NO
6/30/2013	NO	MB # 121	Q - 159 St	NO	86Ft.00in.	16Ft.00in.	YES	NO	NO	NO
6/30/2013	NO	MB # 122	P - LG # 12	NO	168Ft.00in.	71Ft.00in.	NO	NO	NO	NO
7/2/2013	NO	MB # 123	O - LG # 5	NO	140Ft.00in.	72Ft.00in.	NO	NO	NO	NO
7/2/2013	NO	MB # 124	S - 185 St	YES	124Ft.00in.	63Ft.00in.	NO	NO	NO	NO
7/2/2013	NO	MB # 125	E - 36 St	YES	152Ft.00in.	11Ft.00in.	YES	NO	NO	NO
7/2/2013	NO	MB # 126	L - 89 St	NO	52Ft.00in.	26Ft.00in.	NO	NO	NO	NO
7/5/2013	NO	MB # 127	Q - 159 St	NO	66Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/5/2013	NO	MB # 128	T - 189 St	YES	71Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/7/2013	NO	MB # 129	C - 16 St	NO	226Ft.00in.	35Ft.00in.	YES	NO	NO	NO
7/7/2013	NO	MB # 130	E - 38 St	NO	128Ft.00in.	37Ft.00in.	YES	NO	NO	NO
7/7/2013	YES	MB # 131	N - LG # 2	NO	226Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/7/2013	YES	MB # 132	N - LG # 2	NO	147Ft.00in.	13Ft.00in.	YES	NO	NO	NO
7/7/2013	NO	MB # 133	O - LG # 9	NO	148Ft.00in.	31Ft.00in.	NO	NO	NO	NO
7/8/2013	NO	MB # 134	T - 193 St	YES	71Ft.00in.	22Ft.00in.	YES	NO	NO	NO
7/8/2013	NO	MB # 135	A - 1 St	NO	186Ft.00in.	32Ft.00in.	YES	NO	NO	NO
7/8/2013	NO	MB # 136	D - 17 St	YES	232Ft.00in.	20Ft.00in.	YES	NO	NO	NO
7/8/2013	NO	MB # 137	N - 102 St	YES	2Ft.00in.	28Ft.00in.	YES	NO	NO	NO
7/9/2013	NO	MB # 138	D - 24 St	YES	42Ft.00in.	26Ft.00in.	YES	NO	NO	NO
7/9/2013	YES	MB # 139	N - LG # 1	NO	90Ft.00in.	56Ft.00in.	NO	NO	NO	NO
7/9/2013	NO	MB # 140	R - 172 St	YES	86Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/9/2013	NO	MB # 141	M - 98 St	NO	39Ft.00in.	32Ft.00in.	NO	NO	NO	NO
7/11/2013	NO	MB # 142	L - 91 St	NO	42Ft.00in.	63Ft.00in.	NO	NO	NO	NO
7/11/2013	NO	MB # 143	Q - 160 St	NO	63Ft.00in.	26Ft.00in.	YES	NO	NO	NO
7/12/2013	NO	MB # 144	C - 14 St	NO	211Ft.00in.	27Ft.00in.	YES	NO	NO	NO
7/12/2013	NO	MB # 145	O - LG # 9	NO	160Ft.00in.	48Ft.00in.	NO	YES	NO	NO
7/13/2013	NO	MB # 146	P - LG # 13	NO	180Ft.00in.	60Ft.00in.	YES	NO	NO	NO
7/13/2013	NO	MB # 147	O - LG # 10	NO	170Ft.00in.	62Ft.00in.	NO	NO	NO	NO
7/14/2013	NO	MB # 148	T - 190 St	YES	72Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/14/2013	YES	MB # 149	O - LG # 3	YES	95Ft.00in.	70Ft.00in.	NO	NO	NO	NO
7/14/2013	NO	MB # 150	N - 101 St	YES	47Ft.00in.	11Ft.00in.	YES	NO	NO	NO
7/15/2013	NO	MB # 151	R - 170 St	YES	38Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/15/2013	NO	MB # 152	S - 184 St	YES	68Ft.00in.	76Ft.00in.	NO	NO	NO	NO
7/15/2013	NO	MB # 153	F - 46 St	YES	39Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/15/2013	NO	MB # 154	O - LG # 6	NO	213Ft.00in.	34Ft.00in.	NO	YES	NO	NO
7/16/2013	NO	MB # 155	L - 87 St	NO	26Ft.00in.	62Ft.00in.	NO	NO	NO	NO
7/16/2013	NO	MB # 156	T - 193 St	YES	61Ft.00in.	26Ft.00in.	YES	NO	NO	NO
7/18/2013	NO	MB # 157	O - LG # 10	NO	158Ft.00in.	25Ft.00in.	NO	YES	NO	NO
7/18/2013	NO	MB # 158	O - LG # 10	NO	154Ft.00in.	28Ft.00in.	NO	YES	NO	NO
7/19/2013	NO	MB # 159	Q - 165 St	NO	65Ft.00in.	21Ft.00in.	YES	NO	NO	NO
7/20/2013	NO	MB # 160	E - 39 St	NO	10Ft.00in.	101Ft.00in.	YES	NO	NO	NO
7/20/2013	NO	MB # 161	S - 178 St	YES	1Ft.29in.	22Ft.00in.	YES	NO	NO	NO
7/21/2013	NO	MB # 162	A - 1 St	NO	211Ft.00in.	16Ft.00in.	YES	NO	NO	NO

7/21/2013	NO	MB # 163	E - 29 St	NO	187Ft.00in.	11Ft.00in.	YES	NO	NO	NO
7/21/2013	NO	MB # 164	G - 47 St	YES	44Ft.00in.	10Ft.00in.	YES	NO	NO	NO
7/21/2013	YES	MB # 165	N - LG # 2	NO	191Ft.00in.	26Ft.00in.	NO	NO	NO	NO
7/21/2013	NO	MB # 166	P - LG # 12	NO	238Ft.00in.	22Ft.00in.	YES	NO	NO	NO
7/22/2013	NO	MB # 167	J - 89 St	YES	98Ft.00in.	21Ft.00in.	YES	NO	NO	NO
7/23/2013	NO	MB # 168	L - 90 St	NO	62Ft.00in.	31Ft.00in.	NO	YES	YES	NO
7/23/2013	NO	MB # 169	M - 94 St	NO	26Ft.00in.	62Ft.00in.	NO	YES	YES	NO
7/25/2013	NO	MB # 170	C - 15 St	NO	216Ft.00in.	36Ft.00in.	YES	NO	NO	NO
7/28/2013	NO	MB # 171	P - LG # 11	NO	174Ft.00in.	62Ft.00in.	NO	NO	NO	NO
7/28/2013	NO	MB # 172	I - 65 St	YES	97Ft.00in.	42Ft.00in.	NO	YES	NO	NO
7/29/2013	NO	MB # 173	S - 183 St	NO	65Ft.00in.	20Ft.00in.	NO	NO	NO	NO
7/29/2013	NO	MB # 174	L - 88 St	NO	49Ft.00in.	52Ft.00in.	NO	NO	NO	NO
7/30/2013	NO	MB # 175	Q - 167 St	NO	104Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/30/2013	NO	MB # 176	B - 13 St	YES	230Ft.00in.	15Ft.00in.	YES	NO	NO	NO
7/31/2013	NO	MB # 177	N - 102 St	YES	2Ft.00in.	81Ft.00in.	NO	NO	NO	NO
8/1/2013	NO	MB # 178	N - 102 St	YES	10Ft.00in.	22Ft.00in.	YES	NO	NO	NO
8/2/2013	NO	MB # 179	E - 40 St	YES	141Ft.00in.	11Ft.00in.	NO	NO	NO	NO
8/2/2013	NO	MB # 180	F - 46 St	YES	82Ft.00in.	15Ft.00in.	YES	NO	NO	NO
8/3/2013	NO	MB # 181	N - 99 St	YES	30Ft.00in.	10Ft.00in.	YES	NO	NO	NO
8/4/2013	YES	MB # 182	N - LG # 2	NO	201Ft.00in.	48Ft.00in.	NO	NO	NO	NO
8/6/2013	NO	MB # 183	F - 45 St	YES	72Ft.00in.	10Ft.00in.	NO	NO	NO	NO
8/7/2013	NO	MB # 184	N - 101 St	YES	46Ft.00in.	14Ft.00in.	YES	NO	NO	NO
8/7/2013	NO	MB # 185	S - 174 St	NO	83Ft.00in.	31Ft.00in.	NO	YES	YES	NO
8/8/2013	NO	MB # 186	D - 22 St	NO	192Ft.00in.	9Ft.00in.	YES	NO	NO	NO
8/10/2013	YES	MB # 187	S - 178 St	YES	69Ft.00in.	46Ft.00in.	NO	NO	NO	NO
8/10/2013	NO	MB # 188	H - 60 St	NO	183Ft.00in.	26Ft.00in.	NO	YES	NO	NO
8/10/2013	NO	MB # 189	S - 179 St	NO	91Ft.00in.	19Ft.00in.	YES	NO	NO	NO
8/19/2013	NO	MB # 190	G - 52 St	YES	71Ft.00in.	42Ft.00in.	YES	NO	NO	NO
8/25/2013	NO	MB # 191	O - LG # 5	NO	152Ft.00in.	38Ft.00in.	YES	NO	NO	NO
7/24/2013	NO	Missed # 01MB	A - 5 St	NO	203Ft.00in.	41Ft.00in.	NO	NO	NO	NO
8/3/2013	YES	Missed # 02MB	O - LG # 2	NO	175Ft.00in.	15Ft.00in.	NO	YES	YES	NO
8/25/2013	NO	Missed # 05MB	E - 27 St	YES	46Ft.00in.	38Ft.00in.	NO	NO	YES	NO
4/26/2013	YES	GBCH # 01	Lot 68	NO	20Ft.00in.	35Ft.00in.	NO	YES	NO	NO
5/6/2013	YES	GBCH # 02	Lot 64	NO	48Ft.00in.	35Ft.00in.	NO	YES	NO	NO
5/7/2013	NO	GBCH # 03	Lot 76	NO	10Ft.00in.	40Ft.00in.	NO	NO	NO	NO
5/16/2013	YES	GBCH # 04	Lot 71	NO	58Ft.00in.	42Ft.00in.	NO	YES	YES	NO
5/21/2013	NO	GBCH # 05	Lot 02	NO	64Ft.00in.	12Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	GBCH # 06	Lot 34	NO	70Ft.00in.	62Ft.00in.	NO	NO	NO	NO
5/26/2013	NO	GBCH # 07	Lot 01	NO	1Ft.00in.	61Ft.00in.	NO	NO	NO	NO
6/4/2013	NO	GBCH # 08	Lot 10	NO	65Ft.00in.	38Ft.00in.	NO	YES	NO	NO
6/5/2013	NO	GBCH # 09	Lot 66	NO	80Ft.00in.	11Ft.00in.	NO	NO	NO	NO
6/6/2013	NO	GBCH # 10	Lot 62	NO	56Ft.00in.	28Ft.00in.	NO	NO	NO	NO
6/6/2013	YES	GBCH # 11	Lot 67	NO	18Ft.00in.	51Ft.00in.	NO	NO	NO	NO
6/16/2013	YES	GBCH # 12	Lot 71	NO	42Ft.00in.	15Ft.00in.	NO	YES	YES	NO
6/19/2013	NO	GBCH # 13	Lot 59	NO	108Ft.00in.	36Ft.00in.	NO	YES	NO	NO
6/25/2013	NO	GBCH # 14	Lot 57	NO	53Ft.00in.	33Ft.00in.	NO	NO	NO	NO
7/3/2013	YES	GBCH # 15	Lot 71	NO	4Ft.00in.	74Ft.00in.	NO	NO	NO	NO
7/8/2013	NO	GBCH # 16	Lot 18	NO	0Ft.00in.	98Ft.00in.	NO	NO	NO	NO
7/11/2013	NO	GBCH # 17	Lot 18	NO	62Ft.00in.	48Ft.00in.	NO	NO	NO	NO
7/12/2013	NO	GBCH # 18	Lot 67	NO	54Ft.00in.	38Ft.00in.	NO	NO	NO	NO
7/13/2013	NO	GBCH # 19	Lot 04	NO	58Ft.00in.	33Ft.00in.	NO	YES	NO	NO
7/16/2013	NO	GBCH # 20	Lot 41	NO	51Ft.00in.	54Ft.00in.	NO	NO	NO	NO
7/17/2013	NO	GBCH # 21	Lot 18	NO	92Ft.00in.	32Ft.00in.	NO	YES	NO	NO
7/26/2013	YES	GBCH # 22	Lot 71	NO	10Ft.00in.	70Ft.00in.	NO	NO	NO	NO
7/26/2013	YES	GBCH # 23	Lot 66	NO	30Ft.00in.	65Ft.00in.	NO	YES	NO	NO
7/26/2013	YES	GBCH # 24	Lot 64	NO	31Ft.00in.	42Ft.00in.	NO	YES	YES	NO
7/27/2013	YES	GBCH # 25	Lot 63	NO	36Ft.00in.	48Ft.00in.	NO	NO	NO	NO
8/9/2013	YES	GBCH # 26	Lot 54	NO	47Ft.00in.	28Ft.00in.	NO	YES	YES	NO
5/20/2013	NO	Fisher Is. # 01	Oceanside II	NO	28Ft.00in.	52Ft.00in.	NO	NO	NO	NO
5/22/2013	NO	Fisher Is. # 02	Oceanside V	NO	45Ft.00in.	15Ft.00in.	NO	NO	NO	NO
5/25/2013	NO	Fisher Is. # 03	Club Bch	NO	48Ft.00in.	42Ft.00in.	NO	NO	NO	NO
5/27/2013	NO	Fisher Is. # 04	Oceanside I	NO	22Ft.00in.	46Ft.00in.	NO	NO	NO	NO
6/4/2013	NO	Fisher Is. # 05	Seaside Villa	NO	12Ft.00in.	24Ft.00in.	NO	NO	NO	NO
6/5/2013	NO	Fisher Is. # 06	Oceanside II	NO	29Ft.00in.	27Ft.00in.	NO	NO	NO	NO
6/9/2013	NO	Fisher Is. # 07	Club Bch	NO	57Ft.00in.	32Ft.00in.	NO	NO	NO	NO
6/10/2013	NO	Fisher Is. # 08	Oceanside V	NO	150Ft.00in.	23Ft.00in.	NO	NO	NO	NO
6/10/2013	NO	Fisher Is. # 09	Oceanside V	NO	153Ft.00in.	7Ft.00in.	YES	NO	NO	NO
6/23/2013	NO	Fisher Is. # 10	Oceanside V	NO	3Ft.00in.	148Ft.00in.	NO	NO	NO	NO
6/25/2013	NO	Fisher Is. # 11	Oceanside IV	NO	0Ft.00in.	44Ft.00in.	NO	NO	NO	NO
7/1/2013	NO	Fisher Is. # 12	Oceanside VI	NO	34Ft.00in.	20Ft.00in.	NO	NO	NO	NO
7/9/2013	NO	Fisher Is. # 13	Oceanside II	NO	0Ft.00in.	48Ft.00in.	NO	NO	NO	NO
7/15/2013	NO	Fisher Is. # 14	Club Bch	NO	49Ft.00in.	45Ft.00in.	NO	NO	NO	NO
7/15/2013	NO	Fisher Is. # 15	Oceanside III	NO	26Ft.00in.	30Ft.00in.	NO	NO	NO	NO
7/23/2013	NO	Fisher Is. # 16	Oceanside VII	NO	44Ft.00in.	39Ft.00in.	NO	NO	NO	NO
7/31/2013	NO	Fisher Is. # 17	Oceanside II	NO	40Ft.00in.	16Ft.00in.	NO	YES	YES	NO
7/31/2013	NO	Fisher Is. # 18	Seaside Villa	NO	35Ft.00in.	35Ft.00in.	NO	NO	NO	NO
6/23/2013	NO	Missed # 01	Oceanside VI	NO	2Ft.00in.	42Ft.00in.	NO	NO	NO	NO
5/5/2014	NO	MB # 01	M - 99 St	YES	125Ft.00in.	40Ft.00in.	NO	NO	NO	NO
5/9/2014	NO	MB # 02	N - 101 St	YES	101Ft.00in.	52Ft.00in.	NO	NO	NO	NO
5/12/2014	NO	MB # 03	H - 55 St	NO	80Ft.00in.	28Ft.00in.	NO	YES	YES	NO
5/13/2014	NO	MB # 04	N - 101 St	YES	103Ft.00in.	42Ft.00in.	NO	NO	NO	NO
5/14/2014	NO	MB # 05	M - 98 St	YES	118Ft.00in.	50Ft.00in.	NO	NO	NO	NO
5/15/2014	NO	MB # 06	G - 52 St	NO	38Ft.00in.	9Ft.00in.	YES	NO	NO	NO
5/16/2014	NO	MB # 07	E - 35 St	NO	126Ft.00in.	42Ft.00in.	YES	NO	NO	NO
5/17/2014	NO	MB # 08	L - 88 St	YES	36Ft.00in.	41Ft.00in.	NO	NO	NO	NO
5/18/2014	NO	MB # 09	B - 5 St	NO	241Ft.00in.	9Ft.00in.	YES	NO	NO	NO

5/18/2014	NO	MB # 10	N - 101 St	YES	102FL00in.	31FL00in.	NO	NO	NO	NO
5/18/2014	NO	MB # 11	M - 95 St	YES	62FL00in.	31FL00in.	NO	NO	NO	NO
5/19/2014	NO	MB # 12	M - 94St	YES	30FL00in.	35FL00in.	NO	NO	NO	NO
5/20/2014	NO	MB # 13	K - 86 St	NO	82FL00in.	36FL00in.	NO	NO	NO	NO
5/22/2014	NO	MB # 14	M - 96 St	YES	78FL00in.	42FL00in.	NO	NO	NO	NO
5/22/2014	NO	MB # 15	F - 43 St	NO	51FL00in.	10FL00in.	YES	NO	NO	NO
5/23/2014	NO	MB # 16	G - 47 St	NO	41FL00in.	37FL00in.	NO	NO	NO	NO
5/24/2014	NO	MB # 17	P - 152 St	NO	51FL00in.	18FL00in.	NO	YES	YES	NO
5/24/2014	NO	MB # 18	M - 99 St	YES	98FL00in.	46FL00in.	NO	NO	NO	NO
5/25/2014	NO	MB # 19	E - 30 St	NO	156FL00in.	11FL00in.	YES	NO	NO	NO
5/26/2014	NO	MB # 20	B - 9 St	NO	196FL00in.	12FL00in.	YES	NO	NO	NO
5/26/2014	NO	MB # 21	E - 34 St	NO	175FL00in.	9FL00in.	YES	NO	NO	NO
5/26/2014	NO	MB # 22	I - 65 St	NO	91FL00in.	12FL00in.	NO	NO	NO	NO
5/26/2014	NO	MB # 23	M - 98 St	YES	131FL00in.	33FL00in.	NO	NO	NO	NO
5/26/2014	NO	MB # 24	O - LG #04	NO	176FL00in.	28FL00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 25	T - 186 St	YES	81FL00in.	11FL00in.	YES	NO	NO	NO
5/28/2014	NO	MB # 26	A - 4 St	NO	172FL00in.	13FL00in.	YES			
5/28/2014	NO	MB # 27	C - 17 St	NO	207FL00in.	9FL00in.	YES	NO	NO	NO
5/28/2014	NO	MB # 28	G - 47 St	NO	36FL00in.	38FL00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 29	M - 97 St	YES	115FL00in.	28FL00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 30	M - 99 St	YES	99FL00in.	58FL00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 31	N - 101 St	YES	99FL00in.	40FL00in.	NO	NO	NO	NO
5/30/2014	NO	MB # 32	A - 4 St	NO	126FL00in.	42FL00in.	NO	NO	NO	NO
5/30/2014	NO	MB # 33	N - 102 St	YES	120FL00in.	32FL00in.	NO	NO	NO	NO
5/31/2014	NO	MB # 34	R - 175 St	YES	89FL00in.	47FL00in.	NO	NO	NO	NO
5/31/2014	NO	MB # 35	F - 47 St	NO	41FL00in.	26FL00in.	NO	NO	NO	NO
5/31/2014	NO	MB # 36	N - 102 St	YES	146FL00in.	50FL00in.	NO	NO	NO	NO
6/1/2014	NO	MB # 37	N - 102 St	YES	71FL00in.	56FL00in.	NO	NO	NO	NO
6/1/2014	NO	MB # 38	H - 60 St	NO	73FL00in.	56FL00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 39	G - 51 St	NO	49FL00in.	36FL00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 40	G - 51 St	NO	46FL00in.	35FL00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 41	K - 82 St	NO	51FL00in.	30FL00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 42	M - 96 St	YES	97FL00in.	36FL00in.	NO	NO	NO	NO
6/3/2014	NO	MB # 43	M - 94 St	YES	41FL00in.	25FL00in.	NO	NO	NO	NO
6/4/2014	NO	MB # 44	O - LG 3	NO	172FL00in.	28FL00in.	NO			
6/5/2014	NO	MB # 45	Q - 167 St	YES	67FL00in.	12FL00in.	YES	NO	NO	NO
6/5/2014	NO	MB # 46	O - LG 8	NO	109FL00in.	323FL00in.	NO	NO	NO	NO
6/5/2014	NO	MB # 47	D - 24 St	NO	46FL00in.	9FL00in.	YES			
6/7/2014	NO	MB # 48	E - 39 St	NO	68FL00in.	37FL00in.	YES			
6/9/2014	NO	MB # 49	R - 171St	YES	48FL00in.	32FL00in.	NO	NO	NO	NO
6/9/2014	NO	MB # 50	T - 190 St	YES	83FL00in.	44FL00in.	NO			
6/9/2014	NO	MB # 51	A - 2 St	NO	17FL00in.	177FL00in.	YES			
6/9/2014	NO	MB # 52	F - 46 St	NO	46FL00in.	29FL00in.	NO			
6/9/2014	NO	MB # 53	M - 94 St	YES	50FL00in.	47FL00in.	NO			
6/9/2014	NO	MB # 54	N - 102 St	YES	82FL00in.	46FL00in.	NO			
6/10/2014	NO	MB # 55	P - 158 St	NO	74FL00in.	34FL00in.	NO			
6/10/2014	NO	MB # 56	S - 193 St	YES	26FL00in.	66FL00in.	NO			
6/10/2014	NO	MB # 57	A - 1 St	NO	143FL00in.	10FL00in.	YES			
6/10/2014	NO	MB # 58	A - 3 St	NO	132FL00in.	31FL00in.	NO			
6/10/2014	NO	MB # 59	G - 47 St	NO	56FL00in.	31FL00in.	NO			
6/10/2014	NO	MB # 60	M - 93 st	YES	81FL00in.	28FL00in.	NO			
6/11/2014	NO	MB # 61	S - 181 St	YES	81FL00in.	38FL00in.	NO			
6/11/2014	NO	MB # 62	O - LG 8	NO	155FL00in.	39FL00in.	NO			
6/11/2014	NO	MB # 63	D - 20 St	NO	175FL00in.	12FL00in.	YES			
6/11/2014	NO	MB # 64	E - 36 St	NO	110FL00in.	8FL00in.	YES			
6/11/2014	NO	MB # 65	M - 97 St	YES	86FL00in.	25FL00in.	NO			
6/11/2014	NO	MB # 66	N - 102 St	YES	96FL00in.	32FL00in.	NO			
6/11/2014	NO	MB # 67	N - 102 St	YES	100FL00in.	33FL00in.	NO			
6/12/2014	YES	MB # 68	A - 3 St	NO	196FL00in.	14FL00in.	YES			
6/13/2014	NO	MB # 69	Q - 164 St	NO	34FL00in.	20FL00in.	YES			
6/13/2014	NO	MB # 70	R - 175 St	YES	94FL00in.	23FL00in.	NO			
6/13/2014	NO	MB # 71	N - 102 St	YES	87FL00in.	50FL00in.	NO	YES		
6/13/2014	NO	MB # 72	N - 102 St	YES	0FL00in.	131FL00in.	NO			
6/15/2014	YES	MB # 73	L - 91 St	YES	31FL00in.	42FL00in.	NO			
6/15/2014	YES	MB # 74	M - 92 St	YES	70FL00in.	25FL00in.	NO			
6/15/2014	NO	MB # 75	N - 102 St	YES	100FL00in.	50FL00in.	NO			
6/15/2014	NO	MB # 76	N - 101 St	YES	51FL00in.	67FL00in.	NO			
6/16/2014	NO	MB # 77	G - 52 St	NO	69FL00in.	10FL00in.	YES			
6/16/2014	NO	MB # 78	N - 102 St	YES	100FL00in.	50FL00in.	NO			
6/17/2014	NO	MB # 79	J - 74 St	NO	41FL00in.	62FL00in.	YES			
6/17/2014	NO	MB # 80	Q - 160 St	NO	33FL00in.	62FL00in.	YES			
6/18/2014	YES	MB # 81	M - 97 St	YES	89FL00in.	61FL00in.	NO			
6/18/2014	NO	MB # 82	P - LG 16	NO	104FL00in.	23FL00in.	YES			
6/18/2014	NO	MB # 83	O - LG 4	NO	138FL00in.	41FL00in.	NO			
6/19/2014	NO	MB # 84	S - 185 St	YES	72FL00in.	23FL00in.	YES			
6/19/2014	NO	MB # 85	A - Cut	NO	110FL00in.	60FL00in.	NO			
6/19/2014	NO	MB # 86	A - 5 St	NO	141FL00in.	20FL00in.	YES			
6/20/2014	NO	MB # 87	K - 87 St	NO	62FL00in.	35FL00in.	NO			
6/21/2014	NO	MB # 88	N - 101 St	YES	120FL00in.	41FL00in.	NO			
6/22/2014	NO	MB # 89	C - 16 St	NO	181FL00in.	62FL00in.	YES			
6/22/2014	NO	MB # 90	M - 96 St	YES	102FL00in.	44FL00in.	NO			
6/22/2014	NO	MB # 91	M - 99 St	YES	98FL00in.	46FL00in.	NO			
6/22/2014	YES	MB # 92	O - LG 10	NO	170FL00in.	38FL00in.	NO			
6/23/2014	YES	MB # 93	N - LG 01	NO	125FL00in.	32FL00in.	NO	YES		
6/23/2014	NO	MB # 94	E - 36 St	NO	92FL00in.	10FL00in.	YES			
6/23/2014	NO	MB # 95	M - 96 St	YES	40FL00in.	71FL00in.	NO			
6/23/2014	NO	MB # 96	N - 102 St	YES	86FL00in.	64FL00in.	NO			

6/23/2014	NO	MB # 97	T - 193 St	YES	61Ft.00in.	73Ft.00in.	NO			
6/24/2014	NO	MB # 98	N - 101 St	YES	102Ft.00in.	31Ft.00in.	NO			
6/24/2014	NO	MB # 99	N - 102 St	YES	133Ft.00in.	42Ft.00in.	NO			
6/24/2014	NO	MB # 100	N - 102 St	YES	84Ft.00in.	42Ft.00in.	NO			
6/25/2014	NO	MB # 101	P - 158 St	NO	42Ft.00in.	33Ft.00in.	NO			
6/25/2014	NO	MB # 102	N - 101 St	YES	92Ft.00in.	40Ft.00in.	NO			
6/25/2014	NO	MB # 103	G - 50 St	NO	46Ft.00in.	19Ft.00in.	YES			
6/26/2014	NO	MB # 104	R - 170 St	YES	60Ft.00in.	33Ft.00in.	NO			
6/26/2014	NO	MB # 105	E - 34 St	NO	92Ft.00in.	12Ft.00in.	YES			
6/26/2014	NO	MB # 106	M - 99 St	YES			NO			
6/26/2014	NO	MB # 107	N - 102 St	YES	2Ft.00in.	174Ft.00in.	NO			
6/28/2014	NO	MB # 108	Q - 160 St	NO	66Ft.00in.	22Ft.00in.	YES			
6/28/2014	NO	MB # 109	R - 177 St	YES	86Ft.00in.	27Ft.00in.	NO			
6/28/2014	NO	MB # 110	Q - 160 St	YES	67Ft.00in.	22Ft.00in.	YES			
6/30/2014	NO	MB # 111	S - 183 St	YES	122Ft.00in.	34Ft.00in.	NO			
7/1/2014	NO	MB # 112	P - LG # 13	NO	137Ft.00in.	32Ft.00in.	NO			
7/1/2014	NO	MB # 113	P - 157 St	NO	84Ft.00in.	21Ft.00in.	YES			
7/1/2014	NO	MB # 114	Q - 160 St	NO	4Ft.00in.	63Ft.00in.	YES			
7/1/2014	NO	MB # 115	Q - 167 St	YES	36Ft.00in.	40Ft.00in.	NO			
7/1/2014	NO	MB # 116	D - 22 St	NO	98Ft.00in.	47Ft.00in.	YES			
7/1/2014	NO	MB # 117	G - 48 St	NO	42Ft.00in.	36Ft.00in.	NO			
7/1/2014	NO	MB # 118	L - 90 St	YES	28Ft.00in.	27Ft.00in.	NO			
7/2/2014	NO	MB # 119	T - 192 St	YES	2Ft.00in.	86Ft.00in.	YES			
7/2/2014	NO	MB # 120	N - 102 St	YES	3Ft.00in.	182Ft.00in.	NO			
7/3/2014	NO	MB # 121	A - Cut	NO	125Ft.00in.	9Ft.00in.	YES			
7/3/2014	NO	MB # 122	M - 96 St	YES	27Ft.00in.	71Ft.00in.	NO			
7/4/2014	NO	MB # 123	R - 175 St	YES	71Ft.00in.	51Ft.00in.	NO			
7/4/2014	NO	MB # 124	E - 33 St	NO	83Ft.00in.	15Ft.00in.	YES			
7/5/2014	NO	MB # 125	A - 1 St	NO	120Ft.00in.	9Ft.00in.	YES			
7/5/2014	NO	MB # 126	A - Cut	NO	96Ft.00in.	9Ft.00in.	YES			
7/5/2014	NO	MB # 127	I - 63 St	NO	52Ft.00in.	32Ft.00in.	NO			
7/5/2014	NO	MB # 128	H - 57 St	NO	126Ft.00in.	18Ft.00in.	NO			
7/6/2014	NO	MB # 129	O - LG 8/9	NO	156Ft.00in.	33Ft.00in.	NO			
7/6/2014	NO	MB # 130	A - 1 St	NO	119Ft.00in.	10Ft.00in.	YES			
7/6/2014	NO	MB # 131	N - 102 St	YES	0Ft.00in.	176Ft.00in.	NO			
7/6/2014	NO	MB # 132	N - 101 St	YES	70Ft.00in.	61Ft.00in.	NO			
7/6/2014	NO	MB # 133	N - 101 St	YES	103Ft.00in.	53Ft.00in.	NO			
7/6/2014	NO	MB # 134	M - 96 St	YES	23Ft.00in.	126Ft.00in.	NO			
7/6/2014	NO	MB # 135	M - 95 St	YES	83Ft.00in.	31Ft.00in.	NO			
7/6/2014	NO	MB # 136	G - 51 St	NO	42Ft.00in.	66Ft.00in.	NO			
7/7/2014	NO	MB # 137								
7/7/2014	NO	MB # 138	F - 44 St	YES	44Ft.00in.	11Ft.00in.	YES			
7/7/2014	NO	MB # 139	M - 97 St	YES	82Ft.00in.	55Ft.00in.	NO			
7/8/2014	NO	MB # 140	A - Cut	NO	105Ft.00in.	9Ft.00in.	YES			
7/8/2014	NO	MB # 141	C - 15 St	NO	132Ft.00in.	11Ft.00in.	YES			
7/8/2014	NO	MB # 142	C - 16 St	NO	175Ft.00in.	12Ft.00in.	YES			
7/10/2014	NO	MB # 143	O - LG 9 / 10	NO	165Ft.00in.	46Ft.00in.	NO			
7/11/2014	NO	MB # 144	D - 17 St	NO	246Ft.00in.	9Ft.00in.	YES	NO	NO	NO
7/11/2014	NO	MB # 145	G - 47 St	NO	42Ft.00in.	7Ft.00in.	YES	NO	NO	NO
7/12/2014	NO	MB # 146	P - LG # 17	NO	122Ft.00in.	36Ft.00in.	NO			
7/12/2014	NO	MB # 147	I - 63 St	YES	49Ft.00in.	45Ft.00in.	NO			
7/14/2014	NO	MB # 148	P - LG # 15	NO	90Ft.00in.	69Ft.00in.	NO			
7/14/2014	NO	MB # 149	Q - 167 St	NO	134Ft.00in.	13Ft.00in.	NO			
7/14/2014	NO	MB # 150	N - LG # 03	NO	192Ft.00in.	27Ft.00in.	NO			
7/15/2014	NO	MB # 151	E - 34 St	NO	176Ft.00in.	34Ft.00in.	YES	NO	NO	NO
7/16/2014	NO	MB # 152	L - 89 St	YES	47Ft.00in.	32Ft.00in.	NO	NO	NO	NO
6/24/2014	NO	Missed # 01	L - 90 St	YES	76Ft.00in.	26Ft.00in.	NO	NO	NO	NO
7/16/2014	NO	Missed # 02	O - LG # 04	NO	172Ft.00in.	34Ft.00in.	NO	NO	YES	NO
7/17/2014	NO	MB # 153	O - LG # 04	NO	180Ft.00in.	33Ft.00in.	NO			
7/18/2014	NO	MB # 154	T - 193 St	NO	58Ft.00in.	33Ft.00in.	NO			
7/18/2014	NO	MB # 155	A - 1 St	NO	207Ft.00in.	12Ft.00in.	YES			
7/18/2014	NO	MB # 156	I - 63 St	NO	50Ft.00in.	52Ft.00in.	NO			
7/18/2014	NO	MB # 157	N - 102 St	YES	70Ft.00in.	87Ft.00in.	NO			
7/19/2014	NO	MB # 158	N - 102 St	YES	171Ft.00in.	35Ft.00in.	NO			
7/18/2014	NO	MB # 159	N - 102 St	YES	89Ft.00in.	43Ft.00in.	NO			
7/19/2014	NO	MB # 160	M - 98 St	YES	170Ft.00in.	52Ft.00in.	NO			
7/19/2014	NO	MB # 161	T - 189 St	YES	83Ft.00in.	14Ft.00in.	YES			
7/19/2014	NO	MB # 162	J - 73 St	NO	59Ft.00in.	22Ft.00in.	YES			
7/20/2014	NO	MB # 163	F - 41 St	YES	72Ft.00in.	13Ft.00in.	YES			
7/21/2014	YES	MB # 164	J - 68 St	YES	57Ft.00in.	18Ft.00in.	YES			
7/22/2014	NO	MB # 165	A - 1 St	NO	214Ft.00in.	8Ft.00in.	YES			
7/23/2014	NO	MB # 166	F - 46 St	YES	40Ft.00in.	14Ft.00in.	YES			
7/24/2014	NO	MB # 167	R - 172 St	YES	38Ft.00in.	101Ft.00in.	NO			
7/25/2014	NO	MB # 168	S - 181 St	YES	104Ft.00in.	32Ft.00in.	NO			
7/25/2014	NO	MB # 169	T - 193 St	YES	56Ft.00in.	26Ft.00in.	NO			
7/26/2014	NO	MB # 170	M - 94 St	YES	77Ft.00in.	22Ft.00in.	NO			
7/27/2014	NO	MB # 171	Q - 160 St	NO	43Ft.00in.	38Ft.00in.	YES			
7/28/2014	NO	MB # 172	P - 158 St	NO	28Ft.00in.	85Ft.00in.	YES			
7/28/2014	NO	MB # 173	O - LG # 09	NO	171Ft.00in.	58Ft.00in.	NO			
7/29/2014	NO	MB # 174	B - 6 St	NO	105Ft.00in.	10Ft.00in.	YES			
7/31/2014	NO	MB # 175	A - 1 St	NO	215Ft.00in.	15Ft.00in.	YES			
5/17/2014	NO	GB # 01	Lot # 16	NO	6Ft.00in.	63Ft.00in.	NO	NO	NO	NO

5/17/2014	NO	GB # 02	Lot # 38	NO	32Ft.00in.	51Ft.00in.	NO	NO	NO	NO
5/20/2014	NO	GB # 03	Lot # 71	NO	4Ft.00in.	32Ft.00in.	NO	NO	NO	NO
5/20/2014	NO	GB # 04	Lot # 25	NO	50Ft.00in.	23Ft.00in.	NO	NO	NO	NO
5/24/2014	NO	GB # 05	Lot # 76	NO	15Ft.00in.	55Ft.00in.	NO	NO	NO	NO
6/2/2014	NO	GB # 06	Lot # 46	NO	48Ft.00in.	28Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	GB # 07	Lot # 74	NO	15Ft.00in.	27Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	GB # 08	Lot # 67	NO	10Ft.00in.	31Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	GB # 09	Lot # 53	NO	23Ft.00in.	41Ft.00in.	NO	NO	NO	NO
6/6/2014	NO	GB # 10	Lot # 46	NO	6Ft.00in.	63Ft.00in.	NO	NO	NO	NO
6/15/2014	NO	GB # 11	Lot # 18	NO	71Ft.00in.	26Ft.00in.	NO	NO		
6/15/2014	NO	GB # 12	Lot # 35	NO	64Ft.00in.	51Ft.00in.	NO	NO		
6/16/2014	NO	GB # 13	Lot # 34	NO	0Ft.00in.	128Ft.00in.	NO	NO		
6/16/2014	NO	GB # 14	Lot # 41	NO	38Ft.00in.	41Ft.00in.	NO	NO		
6/19/2014	NO	GB # 15	Lot # 61	NO	52Ft.00in.	47Ft.00in.	NO	NO		
6/25/2014	NO	GB # 16	Lot # 61	NO	1Ft.00in.	89Ft.00in.	NO	NO		
6/26/2014	NO	GB # 17	Lot # 57	NO	2Ft.00in.	138Ft.00in.	NO	NO		
6/26/2014	NO	GB # 18	Lot # 45	NO	44Ft.00in.	64Ft.00in.	NO	NO		
6/29/2014	NO	GB # 19	Lot # 75	NO	3Ft.00in.	72Ft.00in.	NO	NO		
6/30/2014	NO	GB # 20	Lot # 43	NO	43Ft.00in.	31Ft.00in.	NO	NO		
7/1/2014	NO	GB # 21	Lot # 13	NO	40Ft.00in.	34Ft.00in.	NO	NO		
7/4/2014	NO	GB # 22	Lot # 67	NO	3Ft.00in.	83Ft.00in.	NO	NO		NO
7/5/2014	NO	GB # 23	Lot # 71	NO	1Ft.00in.	57Ft.00in.	NO	NO	NO	NO
7/6/2014	NO	GB # 24	Lot # 67	NO	11Ft.00in.	56Ft.00in.	NO	NO	NO	NO
7/6/2014	NO	GB # 25	Lot # 73	NO	22Ft.00in.	32Ft.00in.	NO	NO		
7/12/2014	NO	GB # 26	Lot # 56	NO	17Ft.00in.	51Ft.00in.	NO	NO		
7/13/2014	NO	GB # 27	Lot # 03	NO	84Ft.00in.	59Ft.00in.	NO	NO		
7/15/2014	NO	GB # 28	Lot # 20	NO	32Ft.00in.	108Ft.00in.	NO	NO	NO	
7/15/2014	NO	GB # 29	Lot # 49	NO	28Ft.00in.	64Ft.00in.	NO	NO		
7/18/2014	NO	GB # 30	Lot # 34	NO	76Ft.00in.	41Ft.00in.	NO	NO		
7/22/2014	NO	GB # 31	Lot # 02	NO	36Ft.00in.	81Ft.00in.	NO	NO		
7/26/2014	NO	GB # 32	Lot # 69	NO	36Ft.00in.	23Ft.00in.	NO	NO		
7/26/2014	NO	GB # 33						NO		
7/28/2014	NO	GB # 34	Lot # 66	NO	98Ft.00in.	36Ft.00in.	NO	NO	NO	

Cc Nest Worksheet

If "YES" then inventory, HS and ES values will automatically be generated as "0" or "0%". If available, inventory data for partial washouts can be entered but HS and ES will be 0% for Nourishment Productivity.

Date Nest Recorded (mm/dd/yyyy)	Escarpment ≥ 18" Encountered (YES/NO)	ID/Label	Beach Zone (Optional)	Nest within Project Area (YES/NO)	Distance From Dune (Feet) (5 Ft 3 In should be entered as 5.03)	Distance From MHW (Feet) (5 Ft 3 In should be entered as 5.03)	Nest Relocated (YES/NO)	Nest Washed Over (YES/NO)	Nest Completely or Partially Washed Out (YES/NO)	Nest Completely Depredated (YES/NO)
4/30/2013	NO	MB # 01	O - LG # 4	NO	130Ft.00in.	64Ft.00in.	NO	NO	NO	NO
5/1/2013	NO	MB # 02	O - LG # 8	NO	210Ft.00in.	31Ft.00in.	YES	NO	NO	NO
5/4/2013	NO	MB # 03	R - 175 St	NO	55Ft.00in.	22Ft.00in.	YES	NO	NO	NO
5/4/2013	NO	MB # 04	S - 186 St	NO	95Ft.06in.	16Ft.06in.	YES	NO	NO	NO
5/5/2013	NO	MB # 05	N - 101 St	YES	3Ft.00in.	15Ft.10in.	YES	NO	NO	NO
5/6/2013	NO	MB # 06	F - 43 St	YES	90Ft.00in.	25Ft.00in.	YES	NO	NO	NO
5/8/2013	NO	MB # 07	G - 53 St	YES	15Ft.00in.	25Ft.00in.	YES	NO	NO	NO
5/8/2013	NO	MB # 08	G - 52 St	YES	70Ft.00in.	29Ft.00in.	YES	NO	NO	NO
5/10/2013	NO	MB # 09	P - 156 St	NO	80Ft.00in.	40Ft.00in.	NO	YES	NO	NO
5/10/2013	NO	MB # 10	Q - 159 St	NO	96Ft.00in.	22Ft.00in.	YES	NO	NO	NO
5/10/2013	NO	MB # 11	A - 4 St	NO	191Ft.02in.	34Ft.05in.	YES	NO	NO	NO
5/11/2013	NO	MB # 12	S - 181 St	NO	85Ft.00in.	24Ft.00in.	YES	NO	NO	NO
5/13/2013	NO	MB # 13	S - 183 St	NO	113Ft.00in.	63Ft.00in.	NO	YES	NO	NO
5/13/2013	NO	MB # 14	E - 29 St	NO	167Ft.00in.	24Ft.00in.	YES	NO	NO	NO
5/14/2013	NO	MB # 15	N - 102 St	YES	2Ft.00in.	58Ft.00in.	YES	NO	NO	NO
5/14/2013	NO	MB # 16	F - 46 St	YES	55Ft.00in.	27Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 17	D - 25 St	YES	30Ft.00in.	60Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 18	E - 35 St	NO	175Ft.00in.	35Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 19	O - LG # 9	NO	233Ft.00in.	32Ft.00in.	YES	NO	NO	NO
5/15/2013	NO	MB # 20	O - LG # 4	NO	128Ft.00in.	92Ft.00in.	NO	NO	NO	NO
5/17/2013	NO	MB # 21	H - 58 St	NO	156Ft.00in.	15Ft.00in.	YES	NO	NO	NO
5/17/2013	NO	MB # 22	M - 95 St	NO	74Ft.00in.	56Ft.00in.	NO	NO	NO	NO
5/17/2013	NO	MB # 23	S - 181 St	YES	125Ft.00in.	53Ft.00in.	NO	YES	NO	NO
5/18/2013	NO	MB # 24	P - LG # 15	NO	117Ft.00in.	28Ft.00in.	YES	NO	NO	NO
5/19/2013	NO	MB # 25	I - 63 St	NO	86Ft.00in.	29Ft.00in.	YES	NO	NO	NO
5/20/2013	NO	MB # 26	P - 158 St	NO	90Ft.00in.	26Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	MB # 27	A - 1 St	NO	200Ft.00in.	31Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	MB # 28	H - 55 St	NO	75Ft.00in.	16Ft.00in.	YES	NO	NO	NO
5/21/2013	NO	MB # 29	M - 96 St	YES	60Ft.00in.	25Ft.00in.	YES	NO	NO	NO
5/22/2013	NO	MB # 30	R - 173 St	NO	68Ft.00in.	48Ft.00in.	YES	NO	NO	NO
5/23/2013	NO	MB # 31	F - 46 St	YES	65Ft.00in.	16Ft.00in.	YES	NO	NO	NO
5/24/2013	NO	MB # 32	P - 157 St	NO	96Ft.00in.	43Ft.00in.	NO	YES	NO	NO
5/25/2013	NO	MB # 33	A - 4 St	NO	210Ft.00in.	10Ft.00in.	YES	NO	NO	NO
5/25/2013	NO	MB # 34	P - LG # 11	NO	215Ft.00in.	43Ft.00in.	NO	YES	NO	NO
5/26/2013	NO	MB # 35	H - 58 St	NO	101Ft.00in.	258Ft.00in.	NO	NO	NO	NO
5/26/2013	NO	MB # 36	S - 183 St	NO	83Ft.00in.	52Ft.00in.	NO	NO	NO	NO
5/28/2013	NO	MB # 37	O - LG # 7	NO	161Ft.00in.	56Ft.00in.	NO	NO	NO	NO
5/28/2013	NO	MB # 38	R - 177 St	NO	11Ft.00in.	88Ft.00in.	NO	NO	NO	NO
5/28/2013	NO	MB # 39	P - LG # 12	NO	220Ft.00in.	18Ft.00in.	YES	NO	NO	NO
5/28/2013	NO	MB # 40	T - 192 St	YES	18Ft.00in.	52Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 41	M - 97 St	YES	4Ft.00in.	96Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 42	D - 24 St	YES	67Ft.00in.	30Ft.00in.	YES	NO	NO	NO
5/29/2013	NO	MB # 43	Q - 167 St	NO	104Ft.80in.	63Ft.30in.	NO	NO	NO	NO
5/29/2013	NO	MB # 44	O - LG # 11	NO	110Ft.00in.	43Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 45	O - LG # 3	NO	160Ft.00in.	61Ft.00in.	NO	NO	NO	NO
5/29/2013	NO	MB # 46	N - LG # 2	NO	125Ft.00in.	55Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 47	R - 175 St	YES	88Ft.00in.	56Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 48	O - LG # 4	NO	120Ft.00in.	80Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 49	M - 95 St	NO	45Ft.00in.	72Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 50	K - 83 St	NO	30Ft.00in.	76Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 51	J - 77 St	NO	70Ft.00in.	67Ft.00in.	NO	NO	NO	NO
5/30/2013	NO	MB # 52	I - 66 St	NO	85Ft.00in.	35Ft.00in.	YES	NO	NO	NO
6/1/2013	YES	MB # 53	Q - 160 St	NO	52Ft.00in.	38Ft.00in.	NO	NO	NO	NO
6/1/2013	NO	MB # 54	Q - 160 St	NO	48Ft.00in.	46Ft.00in.	NO	YES	NO	NO
6/1/2013	NO	MB # 55	G - 54 St	YES	5Ft.00in.	20Ft.00in.	YES	NO	NO	NO
6/3/2013	NO	MB # 56	P - LG # 15	NO	96Ft.00in.	13Ft.00in.	YES	NO	NO	NO
6/3/2013	YES	MB # 57	N - LG # 1	NO	180Ft.00in.	38Ft.00in.	NO	YES	YES	NO
6/5/2013	NO	MB # 58	Q - 164 St	NO	78Ft.00in.	18Ft.00in.	YES	NO	NO	NO
6/5/2013	NO	MB # 59	S - 180 St	YES	80Ft.00in.	26Ft.00in.	YES	NO	NO	NO
6/5/2013	NO	MB # 60	A - 1 St	NO	215Ft.00in.	45Ft.00in.	NO	YES	NO	NO
6/6/2013	NO	MB # 61	H - 56 St	YES	95Ft.00in.	10Ft.00in.	NO	NO	NO	NO
6/7/2013	NO	MB # 62	K - 79 St	NO	95Ft.00in.	20Ft.00in.	NO	YES	YES	NO
6/9/2013	NO	MB # 63	R - 173 St	NO	88Ft.00in.	18Ft.00in.	YES	NO	NO	NO
6/9/2013	NO	MB # 64	Q - 186 St	NO	78Ft.00in.	16Ft.00in.	YES	NO	NO	NO
6/10/2013	NO	MB # 65	O - LG # 6	NO	138Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/10/2013	NO	MB # 66	N - LG # 5	NO	188Ft.00in.	36Ft.00in.	NO	NO	NO	NO
6/10/2013	NO	MB # 67	A - 4 St	NO	245Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/11/2013	NO	MB # 68	Q - 164 St	NO	58Ft.00in.	64Ft.00in.	NO	NO	NO	NO
6/11/2013	NO	MB # 69	A - 1 St	NO	210Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/11/2013	NO	MB # 70	A - 4 St	NO	230Ft.00in.	15Ft.00in.	YES	NO	NO	NO
6/11/2013	NO	MB # 71	O - LG # 11	NO	171Ft.00in.	32Ft.00in.	NO	NO	NO	NO
6/12/2013	NO	MB # 72	T - 192 St	YES	30Ft.00in.	70Ft.00in.	NO	NO	NO	NO
6/12/2013	NO	MB # 73	E - 29 St	NO	176Ft.00in.	25Ft.00in.	YES	NO	NO	NO
6/12/2013	NO	MB # 74	O - LG # 6	NO	205Ft.00in.	25Ft.00in.	NO	NO	NO	NO
6/12/2013	NO	MB # 75	O - LG # 6	NO	248Ft.00in.	22Ft.00in.	NO	NO	NO	NO

6/12/2013	NO	MB # 76	O - LG # 5	NO	177Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/13/2013	NO	MB # 77	A - Govt Cut	NO	222Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/13/2013	NO	MB # 78	G - 47 St	YES	52Ft.00in.	23Ft.00in.	YES	NO	NO	NO
6/14/2013	NO	MB # 79	D - 24 St	NO	69Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/14/2013	NO	MB # 80	J - 68 St	YES	46Ft.00in.	67Ft.00in.	NO	NO	NO	NO
6/14/2013	NO	MB # 81	I - 64 St	NO	76Ft.00in.	57Ft.00in.	NO	NO	NO	NO
6/14/2013	NO	MB # 82	I - 63 St	NO	82Ft.00in.	64Ft.00in.	NO	NO	NO	NO
6/14/2013	NO	MB # 83	H - 60 St	NO	46Ft.00in.	82Ft.00in.	NO	NO	NO	NO
6/15/2013	NO	MB # 84	O - LG # 6	NO	123Ft.00in.	64Ft.00in.	NO	NO	NO	NO
6/16/2013	NO	MB # 85	Q - 160 St	NO	64Ft.00in.	38Ft.00in.	NO	NO	NO	NO
6/16/2013	NO	MB # 86	G - 47 St	YES	57Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/16/2013	NO	MB # 87	N - 101 St	YES	24Ft.00in.	29Ft.00in.	YES	NO	NO	NO
6/17/2013	NO	MB # 88	O - LG # 10	NO	202Ft.00in.	48Ft.00in.	NO	NO	NO	NO
6/17/2013	NO	MB # 89	Q - 160 St	NO	61Ft.00in.	52Ft.00in.	NO	NO	NO	NO
6/17/2013	NO	MB # 90	G - 53 St	YES	49Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 91	A - 2 St	NO	201Ft.00in.	20Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 92	C - 16 St	NO	213Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 93	D - 22 St	NO	101Ft.00in.	20Ft.00in.	YES	NO	NO	NO
6/18/2013	NO	MB # 94	L - 88 St	NO	32Ft.00in.	97Ft.00in.	NO	NO	NO	NO
6/19/2013	NO	MB # 95	F - 44 St	YES	67Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/19/2013	NO	MB # 96	M - 94 St	NO	67Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/19/2013	NO	MB # 97	M - 94 St	NO	67Ft.00in.	53Ft.00in.	NO	NO	NO	NO
6/19/2013	NO	MB # 98	I - 60 St	NO	76Ft.00in.	34Ft.00in.	NO	NO	NO	NO
6/20/2013	NO	MB # 99	Q - 160 St	NO	92Ft.00in.	16Ft.00in.	YES	NO	NO	NO
6/21/2013	NO	MB # 100	A - 5 St	NO	177Ft.00in.	14Ft.00in.	YES	NO	NO	NO
6/22/2013	NO	MB # 101	R - 173 St	NO	88Ft.00in.	22Ft.00in.	YES	NO	NO	NO
6/23/2013	NO	MB # 102	O - LG # 5	NO	130Ft.00in.	121Ft.00in.	NO	NO	NO	NO
6/24/2013	NO	MB # 103	O - LG # 8	NO	166Ft.00in.	48Ft.00in.	NO	NO	NO	NO
6/24/2013	NO	MB # 104	P - LG # 13	NO	202Ft.00in.	18Ft.00in.	YES	NO	NO	NO
6/24/2013	NO	MB # 105	O - LG # 6	NO	125Ft.00in.	72Ft.00in.	NO	NO	NO	NO
6/25/2013	NO	MB # 106	A - 1 St	NO	201Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 107	E - 30 St	YES	200Ft.00in.	15Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 108	F - 44 St	YES	65Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 109	H - 58 St	NO	176Ft.00in.	15Ft.00in.	YES	NO	NO	NO
6/25/2013	NO	MB # 110	K - 81 St	NO	26Ft.00in.	72Ft.00in.	NO	NO	NO	NO
6/28/2013	NO	MB # 111	B - 11 St	YES	242Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/28/2013	NO	MB # 112	O - LG # 3	NO	96Ft.00in.	110Ft.00in.	NO	NO	NO	NO
6/28/2013	NO	MB # 113	A - 1 St	NO	222Ft.00in.	12Ft.00in.	YES	NO	NO	NO
6/28/2013	NO	MB # 114	Q - 160 St	NO	73Ft.00in.	21Ft.00in.	YES	NO	NO	NO
6/28/2013	NO	MB # 115	M - 93 St	NO	0Ft.00in.	86Ft.00in.	NO	NO	NO	NO
6/28/2013	NO	MB # 116	M - 95 St	NO	5Ft.00in.	66Ft.00in.	NO	NO	NO	NO
6/29/2013	NO	MB # 117	O - LG # 9	NO	198Ft.00in.	42Ft.00in.	NO	NO	NO	NO
6/29/2013	NO	MB # 118	H - 56 St	NO	87Ft.00in.	81Ft.00in.	NO	NO	NO	NO
6/30/2013	NO	MB # 119	D - 24 St	YES	41Ft.00in.	25Ft.00in.	YES	NO	NO	NO
6/30/2013	NO	MB # 120	H - 58 St	NO	177Ft.00in.	47Ft.00in.	NO	YES	YES	NO
6/30/2013	NO	MB # 121	Q - 159 St	NO	86Ft.00in.	16Ft.00in.	YES	NO	NO	NO
6/30/2013	NO	MB # 122	P - LG # 12	NO	188Ft.00in.	71Ft.00in.	NO	NO	NO	NO
7/2/2013	NO	MB # 123	O - LG # 5	NO	140Ft.00in.	72Ft.00in.	NO	NO	NO	NO
7/2/2013	NO	MB # 124	S - 185 St	YES	124Ft.00in.	63Ft.00in.	NO	NO	NO	NO
7/2/2013	NO	MB # 125	E - 36 St	YES	152Ft.00in.	11Ft.00in.	YES	NO	NO	NO
7/2/2013	NO	MB # 126	L - 89 St	NO	52Ft.00in.	26Ft.00in.	NO	NO	NO	NO
7/5/2013	NO	MB # 127	Q - 159 St	NO	86Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/5/2013	NO	MB # 128	T - 189 St	YES	71Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/7/2013	NO	MB # 129	C - 16 St	NO	226Ft.00in.	35Ft.00in.	YES	NO	NO	NO
7/7/2013	NO	MB # 130	E - 38 St	NO	128Ft.00in.	37Ft.00in.	YES	NO	NO	NO
7/7/2013	YES	MB # 131	N - LG # 2	NO	226Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/7/2013	YES	MB # 132	N - LG # 2	NO	147Ft.00in.	13Ft.00in.	YES	NO	NO	NO
7/7/2013	NO	MB # 133	O - LG # 9	NO	148Ft.00in.	31Ft.00in.	NO	NO	NO	NO
7/8/2013	NO	MB # 134	T - 193 St	YES	71Ft.00in.	22Ft.00in.	YES	NO	NO	NO
7/8/2013	NO	MB # 135	A - 1 St	NO	186Ft.00in.	32Ft.00in.	YES	NO	NO	NO
7/8/2013	NO	MB # 136	D - 17 St	YES	232Ft.00in.	20Ft.00in.	YES	NO	NO	NO
7/8/2013	NO	MB # 137	N - 102 St	YES	2Ft.00in.	28Ft.00in.	YES	NO	NO	NO
7/9/2013	NO	MB # 138	D - 24 St	YES	42Ft.00in.	26Ft.00in.	YES	NO	NO	NO
7/9/2013	YES	MB # 139	N - LG # 1	NO	90Ft.00in.	56Ft.00in.	NO	NO	NO	NO
7/9/2013	NO	MB # 140	R - 172 St	YES	86Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/9/2013	NO	MB # 141	M - 98 St	NO	39Ft.00in.	32Ft.00in.	NO	NO	NO	NO
7/11/2013	NO	MB # 142	L - 91 St	NO	42Ft.00in.	63Ft.00in.	NO	NO	NO	NO
7/11/2013	NO	MB # 143	Q - 160 St	NO	63Ft.00in.	26Ft.00in.	YES	NO	NO	NO
7/12/2013	NO	MB # 144	C - 14 St	NO	211Ft.00in.	27Ft.00in.	YES	NO	NO	NO
7/12/2013	NO	MB # 145	O - LG # 9	NO	160Ft.00in.	48Ft.00in.	NO	YES	NO	NO
7/13/2013	NO	MB # 146	P - LG # 13	NO	180Ft.00in.	60Ft.00in.	YES	NO	NO	NO
7/13/2013	NO	MB # 147	O - LG # 10	NO	170Ft.00in.	62Ft.00in.	NO	NO	NO	NO
7/14/2013	NO	MB # 148	T - 190 St	YES	72Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/14/2013	YES	MB # 149	O - LG # 3	YES	95Ft.00in.	70Ft.00in.	NO	NO	NO	NO
7/14/2013	NO	MB # 150	N - 101 St	YES	47Ft.00in.	11Ft.00in.	YES	NO	NO	NO
7/15/2013	NO	MB # 151	R - 170 St	YES	38Ft.00in.	23Ft.00in.	YES	NO	NO	NO
7/15/2013	NO	MB # 152	S - 184 St	YES	68Ft.00in.	76Ft.00in.	NO	NO	NO	NO
7/15/2013	NO	MB # 153	F - 46 St	YES	39Ft.00in.	18Ft.00in.	YES	NO	NO	NO
7/15/2013	NO	MB # 154	O - LG # 8	NO	213Ft.00in.	34Ft.00in.	NO	YES	NO	NO
7/16/2013	NO	MB # 155	L - 87 St	NO	26Ft.00in.	62Ft.00in.	NO	NO	NO	NO
7/16/2013	NO	MB # 156	T - 193 St	YES	61Ft.00in.	26Ft.00in.	YES	NO	NO	NO
7/18/2013	NO	MB # 157	O - LG # 10	NO	158Ft.00in.	25Ft.00in.	NO	YES	NO	NO
7/18/2013	NO	MB # 158	O - LG # 10	NO	154Ft.00in.	28Ft.00in.	NO	YES	NO	NO
7/19/2013	NO	MB # 159	Q - 165 St	NO	65Ft.00in.	21Ft.00in.	YES	NO	NO	NO
7/20/2013	NO	MB # 160	E - 39 St	NO	10Ft.00in.	101Ft.00in.	YES	NO	NO	NO
7/20/2013	NO	MB # 161	S - 178 St	YES	1Ft.29in.	22Ft.00in.	YES	NO	NO	NO
7/21/2013	NO	MB # 162	A - 1 St	NO	211Ft.00in.	16Ft.00in.	YES	NO	NO	NO

7/21/2013	NO	MB # 163	E - 29 St	NO	187FL00in.	11FL00in.	YES	NO	NO	NO
7/21/2013	NO	MB # 164	G - 47 St	YES	44FL00in.	10FL00in.	YES	NO	NO	NO
7/21/2013	YES	MB # 165	N - LG # 2	NO	191FL00in.	26FL00in.	NO	NO	NO	NO
7/21/2013	NO	MB # 166	P - LG # 12	NO	238FL00in.	22FL00in.	YES	NO	NO	NO
7/22/2013	NO	MB # 167	J - 69 St	YES	98FL00in.	21FL00in.	YES	NO	NO	NO
7/23/2013	NO	MB # 168	L - 90 St	NO	62FL00in.	31FL00in.	NO	YES	YES	NO
7/23/2013	NO	MB # 169	M - 94 St	NO	26FL00in.	62FL00in.	NO	YES	YES	NO
7/25/2013	NO	MB # 170	C - 15 St	NO	216FL00in.	36FL00in.	YES	NO	NO	NO
7/28/2013	NO	MB # 171	P - LG # 11	NO	174FL00in.	62FL00in.	NO	NO	NO	NO
7/28/2013	NO	MB # 172	I - 65 St	YES	97FL00in.	42FL00in.	NO	YES	NO	NO
7/29/2013	NO	MB # 173	S - 183 St	NO	65FL00in.	20FL00in.	NO	NO	NO	NO
7/29/2013	NO	MB # 174	L - 88 St	NO	49FL00in.	52FL00in.	NO	NO	NO	NO
7/30/2013	NO	MB # 175	Q - 167 St	NO	104FL00in.	23FL00in.	YES	NO	NO	NO
7/30/2013	NO	MB # 176	B - 13 St	YES	230FL00in.	15FL00in.	YES	NO	NO	NO
7/31/2013	NO	MB # 177	N - 102 St	YES	2FL00in.	81FL00in.	NO	NO	NO	NO
8/1/2013	NO	MB # 178	N - 102 St	YES	10FL00in.	22FL00in.	YES	NO	NO	NO
8/2/2013	NO	MB # 179	E - 40 St	YES	141FL00in.	11FL00in.	NO	NO	NO	NO
8/2/2013	NO	MB # 180	F - 46 St	YES	82FL00in.	15FL00in.	YES	NO	NO	NO
8/3/2013	NO	MB # 181	N - 99 St	YES	30FL00in.	10FL00in.	YES	NO	NO	NO
8/4/2013	YES	MB # 182	N - LG # 2	NO	201FL00in.	48FL00in.	NO	NO	NO	NO
8/6/2013	NO	MB # 183	F - 45 St	YES	72FL00in.	10FL00in.	NO	NO	NO	NO
8/7/2013	NO	MB # 184	N - 101 St	YES	46FL00in.	14FL00in.	YES	NO	NO	NO
8/7/2013	NO	MB # 185	S - 174 St	NO	83FL00in.	31FL00in.	NO	YES	YES	NO
8/8/2013	NO	MB # 186	D - 22 St	NO	192FL00in.	9FL00in.	YES	NO	NO	NO
8/10/2013	YES	MB # 187	S - 178 St	YES	69FL00in.	46FL00in.	NO	NO	NO	NO
8/10/2013	NO	MB # 188	H - 60 St	NO	183FL00in.	26FL00in.	NO	YES	NO	NO
8/10/2013	NO	MB # 189	S - 179 St	NO	91FL00in.	19FL00in.	YES	NO	NO	NO
8/19/2013	NO	MB # 190	G - 52 St	YES	71FL00in.	42FL00in.	YES	NO	NO	NO
8/25/2013	NO	MB # 191	O - LG # 5	NO	152FL00in.	38FL00in.	YES	NO	NO	NO
7/24/2013	NO	Missed #01MB	A - 5 St	NO	203FL00in.	41FL00in.	NO	NO	NO	NO
8/3/2013	YES	Missed #02MB	O - LG # 2	NO	175FL00in.	15FL00in.	NO	YES	YES	NO
8/25/2013	NO	Missed #05MB	E - 27 St	YES	46FL00in.	38FL00in.	NO	NO	YES	NO
4/26/2013	YES	GBCH # 01	Lot 68	NO	20FL00in.	35FL00in.	NO	YES	NO	NO
5/6/2013	YES	GBCH # 02	Lot 64	NO	48FL00in.	35FL00in.	NO	YES	NO	NO
5/7/2013	NO	GBCH # 03	Lot 76	NO	10FL00in.	40FL00in.	NO	NO	NO	NO
5/16/2013	YES	GBCH # 04	Lot 71	NO	58FL00in.	42FL00in.	NO	YES	YES	NO
5/21/2013	NO	GBCH # 05	Lot 02	NO	64FL00in.	12FL00in.	YES	NO	NO	NO
5/21/2013	NO	GBCH # 06	Lot 34	NO	70FL00in.	62FL00in.	NO	NO	NO	NO
5/26/2013	NO	GBCH # 07	Lot 01	NO	1FL00in.	61FL00in.	NO	NO	NO	NO
6/4/2013	NO	GBCH # 08	Lot 10	NO	65FL00in.	38FL00in.	NO	YES	NO	NO
6/5/2013	NO	GBCH # 09	Lot 66	NO	80FL00in.	11FL00in.	NO	NO	NO	NO
6/6/2013	NO	GBCH # 10	Lot 62	NO	56FL00in.	28FL00in.	NO	NO	NO	NO
6/6/2013	YES	GBCH # 11	Lot 67	NO	18FL00in.	51FL00in.	NO	NO	NO	NO
6/16/2013	YES	GBCH # 12	Lot 71	NO	42FL00in.	15FL00in.	NO	YES	YES	NO
6/19/2013	NO	GBCH # 13	Lot 59	NO	108FL00in.	36FL00in.	NO	YES	NO	NO
6/25/2013	NO	GBCH # 14	Lot 57	NO	53FL00in.	33FL00in.	NO	NO	NO	NO
7/3/2013	YES	GBCH # 15	Lot 71	NO	4FL00in.	74FL00in.	NO	NO	NO	NO
7/8/2013	NO	GBCH # 16	Lot 18	NO	0FL00in.	98FL00in.	NO	NO	NO	NO
7/11/2013	NO	GBCH # 17	Lot 18	NO	62FL00in.	48FL00in.	NO	NO	NO	NO
7/12/2013	NO	GBCH # 18	Lot 67	NO	54FL00in.	38FL00in.	NO	NO	NO	NO
7/13/2013	NO	GBCH # 19	Lot 04	NO	58FL00in.	33FL00in.	NO	YES	NO	NO
7/16/2013	NO	GBCH # 20	Lot 41	NO	51FL00in.	54FL00in.	NO	NO	NO	NO
7/17/2013	NO	GBCH # 21	Lot 18	NO	92FL00in.	32FL00in.	NO	YES	NO	NO
7/26/2013	YES	GBCH # 22	Lot 71	NO	10FL00in.	70FL00in.	NO	NO	NO	NO
7/26/2013	YES	GBCH # 23	Lot 66	NO	30FL00in.	65FL00in.	NO	YES	NO	NO
7/26/2013	YES	GBCH # 24	Lot 64	NO	31FL00in.	42FL00in.	NO	YES	YES	NO
7/27/2013	YES	GBCH # 25	Lot 63	NO	36FL00in.	48FL00in.	NO	NO	NO	NO
8/9/2013	YES	GBCH # 26	Lot 54	NO	47FL00in.	28FL00in.	NO	YES	YES	NO
5/20/2013	NO	Fisher Is. # 01	Oceanside II	NO	28FL00in.	52FL00in.	NO	NO	NO	NO
5/22/2013	NO	Fisher Is. # 02	Oceanside V	NO	45FL00in.	15FL00in.	NO	NO	NO	NO
5/25/2013	NO	Fisher Is. # 03	Club Bch	NO	48FL00in.	42FL00in.	NO	NO	NO	NO
5/27/2013	NO	Fisher Is. # 04	Oceanside I	NO	22FL00in.	46FL00in.	NO	NO	NO	NO
6/4/2013	NO	Fisher Is. # 05	Seaside Villa	NO	12FL00in.	24FL00in.	NO	NO	NO	NO
6/5/2013	NO	Fisher Is. # 06	Oceanside II	NO	29FL00in.	27FL00in.	NO	NO	NO	NO
6/9/2013	NO	Fisher Is. # 07	Club Bch	NO	57FL00in.	32FL00in.	NO	NO	NO	NO
6/10/2013	NO	Fisher Is. # 08	Oceanside V	NO	150FL00in.	23FL00in.	NO	NO	NO	NO
6/10/2013	NO	Fisher Is. # 09	Oceanside V	NO	153FL00in.	7FL00in.	YES	NO	NO	NO
6/23/2013	NO	Fisher Is. # 10	Oceanside V	NO	3FL00in.	148FL00in.	NO	NO	NO	NO
6/25/2013	NO	Fisher Is. # 11	Oceanside IV	NO	0FL00in.	44FL00in.	NO	NO	NO	NO
7/1/2013	NO	Fisher Is. # 12	Oceanside VI	NO	34FL00in.	20FL00in.	NO	NO	NO	NO
7/9/2013	NO	Fisher Is. # 13	Oceanside II	NO	0FL00in.	48FL00in.	NO	NO	NO	NO
7/15/2013	NO	Fisher Is. # 14	Club Bch	NO	49FL00in.	45FL00in.	NO	NO	NO	NO
7/15/2013	NO	Fisher Is. # 15	Oceanside III	NO	26FL00in.	30FL00in.	NO	NO	NO	NO
7/23/2013	NO	Fisher Is. # 16	Oceanside VII	NO	44FL00in.	39FL00in.	NO	NO	NO	NO
7/31/2013	NO	Fisher Is. # 17	Oceanside II	NO	40FL00in.	16FL00in.	NO	YES	YES	NO
7/31/2013	NO	Fisher Is. # 18	Seaside Villa	NO	35FL00in.	35FL00in.	NO	NO	NO	NO
6/23/2013	NO	Missed # 01	Oceanside VI	NO	2FL00in.	42FL00in.	NO	NO	NO	NO
5/5/2014	NO	MB # 01	M - 99 St	YES	125FL00in.	40FL00in.	NO	NO	NO	NO
5/9/2014	NO	MB # 02	N - 101 St	YES	101FL00in.	52FL00in.	NO	NO	NO	NO
5/12/2014	NO	MB # 03	H - 55 St	NO	80FL00in.	28FL00in.	NO	YES	YES	NO
5/13/2014	NO	MB # 04	N - 101 St	YES	103FL00in.	42FL00in.	NO	NO	NO	NO
5/14/2014	NO	MB # 05	M - 98 St	YES	118FL00in.	50FL00in.	NO	NO	NO	NO
5/15/2014	NO	MB # 06	G - 52 St	NO	38FL00in.	9FL00in.	YES	NO	NO	NO
5/16/2014	NO	MB # 07	E - 35 St	NO	126FL00in.	42FL00in.	YES	NO	NO	NO
5/17/2014	NO	MB # 08	L - 88 St	YES	36FL00in.	41FL00in.	NO	NO	NO	NO
5/18/2014	NO	MB # 09	B - 5 St	NO	241FL00in.	9FL00in.	YES	NO	NO	NO

5/18/2014	NO	MB # 10	N - 101 St	YES	102Ft.00in.	31Ft.00in.	NO	NO	NO	NO
5/18/2014	NO	MB # 11	M - 95 St	YES	62Ft.00in.	31Ft.00in.	NO	NO	NO	NO
5/19/2014	NO	MB # 12	M - 94St	YES	30Ft.00in.	35Ft.00in.	NO	NO	NO	NO
5/20/2014	NO	MB # 13	K - 86 St	NO	62Ft.00in.	36Ft.00in.	NO	NO	NO	NO
5/22/2014	NO	MB # 14	M - 96 St	YES	78Ft.00in.	42Ft.00in.	NO	NO	NO	NO
5/22/2014	NO	MB # 15	F - 43 St	NO	51Ft.00in.	10Ft.00in.	YES	NO	NO	NO
5/23/2014	NO	MB # 16	G - 47 St	NO	41Ft.00in.	37Ft.00in.	NO	NO	NO	NO
5/24/2014	NO	MB # 17	P - 152 St	NO	51Ft.00in.	18Ft.00in.	NO	YES	YES	NO
5/24/2014	NO	MB # 18	M - 99 St	YES	98Ft.00in.	46Ft.00in.	NO	NO	NO	NO
5/25/2014	NO	MB # 19	E - 30 St	NO	156Ft.00in.	11Ft.00in.	YES	NO	NO	NO
5/26/2014	NO	MB # 20	B - 9 St	NO	196Ft.00in.	12Ft.00in.	YES	NO	NO	NO
5/26/2014	NO	MB # 21	E - 34 St	NO	175Ft.00in.	9Ft.00in.	YES	NO	NO	NO
5/26/2014	NO	MB # 22	I - 65 St	NO	91Ft.00in.	12Ft.00in.	NO	NO	NO	NO
5/26/2014	NO	MB # 23	M - 98 St	YES	131Ft.00in.	33Ft.00in.	NO	NO	NO	NO
5/26/2014	NO	MB # 24	O - LG #04	NO	178Ft.00in.	28Ft.00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 25	T - 186 St	YES	81Ft.00in.	11Ft.00in.	YES	NO	NO	NO
5/28/2014	NO	MB # 26	A - 4 St	NO	172Ft.00in.	13Ft.00in.	YES			
5/28/2014	NO	MB # 27	C - 17 St	NO	207Ft.00in.	9Ft.00in.	YES	NO	NO	NO
5/28/2014	NO	MB # 28	G - 47 St	NO	36Ft.00in.	38Ft.00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 29	M - 97 St	YES	115Ft.00in.	28Ft.00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 30	M - 99 St	YES	99Ft.00in.	58Ft.00in.	NO	NO	NO	NO
5/28/2014	NO	MB # 31	N - 101 St	YES	99Ft.00in.	40Ft.00in.	NO	NO	NO	NO
5/30/2014	NO	MB # 32	A - 4 St	NO	126Ft.00in.	42Ft.00in.	NO	NO	NO	NO
5/30/2014	NO	MB # 33	N - 102 St	YES	120Ft.00in.	32Ft.00in.	NO	NO	NO	NO
5/31/2014	NO	MB # 34	R - 175 St	YES	89Ft.00in.	47Ft.00in.	NO	NO	NO	NO
5/31/2014	NO	MB # 35	F - 47 St	NO	41Ft.00in.	26Ft.00in.	NO	NO	NO	NO
5/31/2014	NO	MB # 36	N - 102 St	YES	146Ft.00in.	50Ft.00in.	NO	NO	NO	NO
6/1/2014	NO	MB # 37	N - 102 St	YES	71Ft.00in.	56Ft.00in.	NO	NO	NO	NO
6/1/2014	NO	MB # 38	H - 60 St	NO	73Ft.00in.	56Ft.00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 39	G - 51 St	NO	49Ft.00in.	38Ft.00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 40	G - 51 St	NO	46Ft.00in.	35Ft.00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 41	K - 82 St	NO	51Ft.00in.	30Ft.00in.	NO	NO	NO	NO
6/2/2014	NO	MB # 42	M - 96 St	YES	97Ft.00in.	38Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	MB # 43	M - 94 St	YES	41Ft.00in.	25Ft.00in.	NO	NO	NO	NO
6/4/2014	NO	MB # 44	O - LG 3	NO	172Ft.00in.	28Ft.00in.	NO			
6/5/2014	NO	MB # 45	Q - 167 St	YES	67Ft.00in.	12Ft.00in.	YES	NO	NO	NO
6/5/2014	NO	MB # 46	O - LG 8	NO	109Ft.00in.	323Ft.00in.	NO	NO	NO	NO
6/5/2014	NO	MB # 47	D - 24 St	NO	46Ft.00in.	9Ft.00in.	YES			
6/7/2014	NO	MB # 48	E - 39 St	NO	68Ft.00in.	37Ft.00in.	YES			
6/9/2014	NO	MB # 49	R - 171St	YES	48Ft.00in.	32Ft.00in.	NO	NO	NO	NO
6/9/2014	NO	MB # 50	T - 190 St	YES	83Ft.00in.	44Ft.00in.	NO			
6/9/2014	NO	MB # 51	A - 2 St	NO	17Ft.00in.	177Ft.00in.	YES			
6/9/2014	NO	MB # 52	F - 46 St	NO	46Ft.00in.	29Ft.00in.	NO			
6/9/2014	NO	MB # 53	M - 94 St	YES	50Ft.00in.	47Ft.00in.	NO			
6/9/2014	NO	MB # 54	N - 102 St	YES	82Ft.00in.	46Ft.00in.	NO			
6/10/2014	NO	MB # 55	P - 158 St	NO	74Ft.00in.	34Ft.00in.	NO			
6/10/2014	NO	MB # 56	S - 193 St	YES	26Ft.00in.	66Ft.00in.	NO			
6/10/2014	NO	MB # 57	A - 1 St	NO	143Ft.00in.	10Ft.00in.	YES			
6/10/2014	NO	MB # 58	A - 3 St	NO	132Ft.00in.	31Ft.00in.	NO			
6/10/2014	NO	MB # 59	G - 47 St	NO	56Ft.00in.	31Ft.00in.	NO			
6/10/2014	NO	MB # 60	M - 93 st	YES	81Ft.00in.	28Ft.00in.	NO			
6/11/2014	NO	MB # 61	S - 181 St	YES	81Ft.00in.	38Ft.00in.	NO			
6/11/2014	NO	MB # 62	O - LG 8	NO	155Ft.00in.	39Ft.00in.	NO			
6/11/2014	NO	MB # 63	D - 20 St	NO	175Ft.00in.	12Ft.00in.	YES			
6/11/2014	NO	MB # 64	E - 36 St	NO	110Ft.00in.	8Ft.00in.	YES			
6/11/2014	NO	MB # 65	M - 97 St	YES	86Ft.00in.	25Ft.00in.	NO			
6/11/2014	NO	MB # 66	N - 102 St	YES	96Ft.00in.	32Ft.00in.	NO			
6/11/2014	NO	MB # 67	N - 102 St	YES	100Ft.00in.	33Ft.00in.	NO			
6/12/2014	YES	MB # 68	A - 3 St	NO	196Ft.00in.	14Ft.00in.	YES			
6/13/2014	NO	MB # 69	Q - 164 St	NO	34Ft.00in.	20Ft.00in.	YES			
6/13/2014	NO	MB # 70	R - 175 St	YES	94Ft.00in.	23Ft.00in.	NO			
6/13/2014	NO	MB # 71	N - 102 St	YES	87Ft.00in.	50Ft.00in.	NO	YES		
6/13/2014	NO	MB # 72	N - 102 St	YES	0Ft.00in.	131Ft.00in.	NO			
6/15/2014	YES	MB # 73	L - 91 St	YES	31Ft.00in.	42Ft.00in.	NO			
6/15/2014	YES	MB # 74	M - 92 St	YES	70Ft.00in.	25Ft.00in.	NO			
6/15/2014	NO	MB # 75	N - 102 St	YES	100Ft.00in.	50Ft.00in.	NO			
6/15/2014	NO	MB # 76	N - 101 St	YES	51Ft.00in.	67Ft.00in.	NO			
6/16/2014	NO	MB # 77	G - 52 St	NO	89Ft.00in.	10Ft.00in.	YES			
6/16/2014	NO	MB # 78	N - 102 St	YES	100Ft.00in.	50Ft.00in.	NO			
6/17/2014	NO	MB # 79	J - 74 St	NO	41Ft.00in.	62Ft.00in.	YES			
6/17/2014	NO	MB # 80	Q - 160 St	NO	33Ft.00in.	62Ft.00in.	YES			
6/18/2014	YES	MB # 81	M - 97 St	YES	89Ft.00in.	61Ft.00in.	NO			
6/18/2014	NO	MB # 82	P - LG 16	NO	104Ft.00in.	23Ft.00in.	YES			
6/18/2014	NO	MB # 83	O - LG 4	NO	138Ft.00in.	41Ft.00in.	NO			
6/19/2014	NO	MB # 84	S - 185 St	YES	72Ft.00in.	23Ft.00in.	YES			
6/19/2014	NO	MB # 85	A - Cut	NO	110Ft.00in.	60Ft.00in.	NO			
6/19/2014	NO	MB # 86	A - 5 St	NO	141Ft.00in.	20Ft.00in.	YES			
6/20/2014	NO	MB # 87	K - 87 St	NO	62Ft.00in.	35Ft.00in.	NO			
6/21/2014	NO	MB # 88	N - 101 St	YES	120Ft.00in.	41Ft.00in.	NO			
6/22/2014	NO	MB # 89	C - 16 St	NO	181Ft.00in.	62Ft.00in.	YES			
6/22/2014	NO	MB # 90	M - 96 St	YES	102Ft.00in.	44Ft.00in.	NO			
6/22/2014	NO	MB # 91	M - 99 St	YES	98Ft.00in.	46Ft.00in.	NO			
6/22/2014	YES	MB # 92	O - LG 10	NO	170Ft.00in.	38Ft.00in.	NO			
6/23/2014	YES	MB # 93	N - LG 01	NO	125Ft.00in.	32Ft.00in.	NO	YES		
6/23/2014	NO	MB # 94	E - 36 St	NO	92Ft.00in.	10Ft.00in.	YES			
6/23/2014	NO	MB # 95	M - 96 St	YES	40Ft.00in.	71Ft.00in.	NO			
6/23/2014	NO	MB # 96	N - 102 St	YES	86Ft.00in.	64Ft.00in.	NO			

6/23/2014	NO	MB # 97	T - 193 St	YES	61Ft.00in.	73Ft.00in.	NO			
6/24/2014	NO	MB # 98	N - 101 St	YES	102Ft.00in.	31Ft.00in.	NO			
6/24/2014	NO	MB # 99	N - 102 St	YES	133Ft.00in.	42Ft.00in.	NO			
6/24/2014	NO	MB # 100	N - 102 St	YES	84Ft.00in.	42Ft.00in.	NO			
6/25/2014	NO	MB # 101	P - 158 St	NO	42Ft.00in.	33Ft.00in.	NO			
6/25/2014	NO	MB # 102	N - 101 St	YES	92Ft.00in.	40Ft.00in.	NO			
6/25/2014	NO	MB # 103	G - 50 St	NO	46Ft.00in.	19Ft.00in.	YES			
6/26/2014	NO	MB # 104	R - 170 St	YES	60Ft.00in.	33Ft.00in.	NO			
6/26/2014	NO	MB # 105	E - 34 St	NO	92Ft.00in.	12Ft.00in.	YES			
6/26/2014	NO	MB # 106	M - 99 St	YES			NO			
6/26/2014	NO	MB # 107	N - 102 St	YES	2Ft.00in.	174Ft.00in.	NO			
6/28/2014	NO	MB # 108	Q - 160 St	NO	66Ft.00in.	22Ft.00in.	YES			
6/28/2014	NO	MB # 109	R - 177 St	YES	86Ft.00in.	27Ft.00in.	NO			
6/28/2014	NO	MB # 110	Q - 160 St	YES	67Ft.00in.	22Ft.00in.	YES			
6/30/2014	NO	MB # 111	S - 183 St	YES	122Ft.00in.	34Ft.00in.	NO			
7/1/2014	NO	MB # 112	P - LG # 13	NO	137Ft.00in.	32Ft.00in.	NO			
7/1/2014	NO	MB # 113	P - 157 St	NO	84Ft.00in.	21Ft.00in.	YES			
7/1/2014	NO	MB # 114	Q - 160 St	NO	4Ft.00in.	63Ft.00in.	YES			
7/1/2014	NO	MB # 115	Q - 167 St	YES	36Ft.00in.	40Ft.00in.	NO			
7/1/2014	NO	MB # 116	D - 22 St	NO	98Ft.00in.	47Ft.00in.	YES			
7/1/2014	NO	MB # 117	G - 48 St	NO	42Ft.00in.	36Ft.00in.	NO			
7/1/2014	NO	MB # 118	L - 90 St	YES	28Ft.00in.	27Ft.00in.	NO			
7/2/2014	NO	MB # 119	T - 192 St	YES	2Ft.00in.	86Ft.00in.	YES			
7/2/2014	NO	MB # 120	N - 102 St	YES	3Ft.00in.	182Ft.00in.	NO			
7/3/2014	NO	MB # 121	A - Cut	NO	125Ft.00in.	9Ft.00in.	YES			
7/3/2014	NO	MB # 122	M - 96 St	YES	27Ft.00in.	71Ft.00in.	NO			
7/4/2014	NO	MB # 123	R - 175 St	YES	71Ft.00in.	51Ft.00in.	NO			
7/4/2014	NO	MB # 124	E - 33 St	NO	83Ft.00in.	15Ft.00in.	YES			
7/5/2014	NO	MB # 125	A - 1 St	NO	120Ft.00in.	9Ft.00in.	YES			
7/5/2014	NO	MB # 126	A - Cut	NO	96Ft.00in.	9Ft.00in.	YES			
7/5/2014	NO	MB # 127	I - 63 St	NO	52Ft.00in.	32Ft.00in.	NO			
7/5/2014	NO	MB # 128	H - 57 St	NO	126Ft.00in.	18Ft.00in.	NO			
7/6/2014	NO	MB # 129	O - LG 8/9	NO	156Ft.00in.	33Ft.00in.	NO			
7/6/2014	NO	MB # 130	A - 1 St	NO	119Ft.00in.	10Ft.00in.	YES			
7/6/2014	NO	MB # 131	N - 102 St	YES	0Ft.00in.	176Ft.00in.	NO			
7/6/2014	NO	MB # 132	N - 101 St	YES	70Ft.00in.	61Ft.00in.	NO			
7/6/2014	NO	MB # 133	N - 101 St	YES	103Ft.00in.	53Ft.00in.	NO			
7/6/2014	NO	MB # 134	M - 96 St	YES	23Ft.00in.	126Ft.00in.	NO			
7/6/2014	NO	MB # 135	M - 95 St	YES	83Ft.00in.	31Ft.00in.	NO			
7/6/2014	NO	MB # 136	G - 51 St	NO	42Ft.00in.	66Ft.00in.	NO			
7/7/2014	NO	MB # 137								
7/7/2014	NO	MB # 138	F - 44 St	YES	44Ft.00in.	11Ft.00in.	YES			
7/7/2014	NO	MB # 139	M - 97 St	YES	82Ft.00in.	55Ft.00in.	NO			
7/8/2014	NO	MB # 140	A - Cut	NO	105Ft.00in.	9Ft.00in.	YES			
7/8/2014	NO	MB # 141	C - 15 St	NO	132Ft.00in.	11Ft.00in.	YES			
7/8/2014	NO	MB # 142	C - 16 St	NO	175Ft.00in.	12Ft.00in.	YES			
7/10/2014	NO	MB # 143	O - LG 9 / 10	NO	165Ft.00in.	46Ft.00in.	NO			
7/11/2014	NO	MB # 144	D - 17 St	NO	246Ft.00in.	9Ft.00in.	YES	NO	NO	NO
7/11/2014	NO	MB # 145	G - 47 St	NO	42Ft.00in.	7Ft.00in.	YES	NO	NO	NO
7/12/2014	NO	MB # 146	P - LG # 17	NO	122Ft.00in.	36Ft.00in.	NO			
7/12/2014	NO	MB # 147	I - 63 St	YES	49Ft.00in.	45Ft.00in.	NO			
7/14/2014	NO	MB # 148	P - LG # 15	NO	90Ft.00in.	69Ft.00in.	NO			
7/14/2014	NO	MB # 149	Q - 167 St	NO	134Ft.00in.	13Ft.00in.	NO			
7/14/2014	NO	MB # 150	N - LG # 03	NO	192Ft.00in.	27Ft.00in.	NO			
7/15/2014	NO	MB # 151	E - 34 St	NO	176Ft.00in.	34Ft.00in.	YES	NO	NO	NO
7/16/2014	NO	MB # 152	L - 89 St	YES	47Ft.00in.	32Ft.00in.	NO		NO	NO
6/24/2014	NO	Missed # 01	L - 90 St	YES	76Ft.00in.	26Ft.00in.	NO	NO	NO	NO
7/16/2014	NO	Missed # 02	O - LG # 04	NO	172Ft.00in.	34Ft.00in.	NO	NO	YES	NO
7/17/2014	NO	MB # 153	O - LG # 04	NO	180Ft.00in.	33Ft.00in.	NO			
7/18/2014	NO	MB # 154	T - 193 St	NO	58Ft.00in.	33Ft.00in.	NO			
7/18/2014	NO	MB # 155	A - 1 St	NO	207Ft.00in.	12Ft.00in.	YES			
7/18/2014	NO	MB # 156	I - 63 St	NO	50Ft.00in.	52Ft.00in.	NO			
7/18/2014	NO	MB # 157	N - 102 St	YES	70Ft.00in.	87Ft.00in.	NO			
7/18/2014	NO	MB # 158	N - 102 St	YES	171Ft.00in.	35Ft.00in.	NO			
7/18/2014	NO	MB # 159	N - 102 St	YES	89Ft.00in.	43Ft.00in.	NO			
7/19/2014	NO	MB # 160	M - 98 St	YES	170Ft.00in.	52Ft.00in.	NO			
7/19/2014	NO	MB # 161	T - 189 St	YES	83Ft.00in.	14Ft.00in.	YES			
7/19/2014	NO	MB # 162	J - 73 St	NO	59Ft.00in.	22Ft.00in.	YES			
7/20/2014	NO	MB # 163	F - 41 St	YES	72Ft.00in.	13Ft.00in.	YES			
7/21/2014	YES	MB # 164	J - 68 St	YES	57Ft.00in.	18Ft.00in.	YES			
7/22/2014	NO	MB # 165	A - 1 St	NO	214Ft.00in.	8Ft.00in.	YES			
7/23/2014	NO	MB # 166	F - 46 St	YES	40Ft.00in.	14Ft.00in.	YES			
7/24/2014	NO	MB # 167	R - 172 St	YES	38Ft.00in.	101Ft.00in.	NO			
7/25/2014	NO	MB # 168	S - 181 St	YES	104Ft.00in.	32Ft.00in.	NO			
7/25/2014	NO	MB # 169	T - 193 St	YES	56Ft.00in.	26Ft.00in.	NO			
7/26/2014	NO	MB # 170	M - 94 St	YES	77Ft.00in.	22Ft.00in.	NO			
7/27/2014	NO	MB # 171	Q - 160 St	NO	43Ft.00in.	38Ft.00in.	YES			
7/28/2014	NO	MB # 172	P - 158 St	NO	28Ft.00in.	85Ft.00in.	YES			
7/28/2014	NO	MB # 173	O - LG # 09	NO	171Ft.00in.	58Ft.00in.	NO			
7/29/2014	NO	MB # 174	B - 6 St	NO	105Ft.00in.	10Ft.00in.	YES			
7/31/2014	NO	MB # 175	A - 1 St	NO	215Ft.00in.	15Ft.00in.	YES			
5/17/2014	NO	GB # 01	Lot # 16	NO	6Ft.00in.	63Ft.00in.	NO	NO	NO	NO

5/17/2014	NO	GB #02	Lot # 38	NO	32Ft.00in.	51Ft.00in.	NO	NO	NO	NO
5/20/2014	NO	GB #03	Lot # 71	NO	4Ft.00in.	32Ft.00in.	NO	NO	NO	NO
5/20/2014	NO	GB #04	Lot # 25	NO	50Ft.00in.	23Ft.00in.	NO	NO	NO	NO
5/24/2014	NO	GB #05	Lot # 76	NO	15Ft.00in.	55Ft.00in.	NO	NO	NO	NO
6/2/2014	NO	GB #06	Lot # 46	NO	48Ft.00in.	28Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	GB #07	Lot # 74	NO	15Ft.00in.	27Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	GB #08	Lot # 67	NO	10Ft.00in.	31Ft.00in.	NO	NO	NO	NO
6/3/2014	NO	GB #09	Lot # 53	NO	23Ft.00in.	41Ft.00in.	NO	NO	NO	NO
6/6/2014	NO	GB #10	Lot # 46	NO	6Ft.00in.	63Ft.00in.	NO	NO	NO	NO
6/15/2014	NO	GB #11	Lot # 18	NO	71Ft.00in.	28Ft.00in.	NO	NO		
6/15/2014	NO	GB #12	Lot # 35	NO	64Ft.00in.	51Ft.00in.	NO	NO		
6/16/2014	NO	GB #13	Lot # 34	NO	0Ft.00in.	128Ft.00in.	NO	NO		
6/16/2014	NO	GB #14	Lot # 41	NO	38Ft.00in.	41Ft.00in.	NO	NO		
6/19/2014	NO	GB #15	Lot # 61	NO	52Ft.00in.	47Ft.00in.	NO	NO		
6/25/2014	NO	GB #16	Lot # 61	NO	1Ft.00in.	89Ft.00in.	NO	NO		
6/26/2014	NO	GB #17	Lot # 57	NO	2Ft.00in.	138Ft.00in.	NO	NO		
6/26/2014	NO	GB #18	Lot # 45	NO	44Ft.00in.	64Ft.00in.	NO	NO		
6/29/2014	NO	GB #19	Lot # 75	NO	3Ft.00in.	72Ft.00in.	NO	NO		
6/30/2014	NO	GB #20	Lot # 43	NO	43Ft.00in.	31Ft.00in.	NO	NO		
7/1/2014	NO	GB #21	Lot # 13	NO	40Ft.00in.	34Ft.00in.	NO	NO		
7/4/2014	NO	GB #22	Lot # 67	NO	3Ft.00in.	83Ft.00in.	NO	NO		NO
7/5/2014	NO	GB #23	Lot # 71	NO	1Ft.00in.	57Ft.00in.	NO	NO	NO	NO
7/6/2014	NO	GB #24	Lot # 67	NO	11Ft.00in.	56Ft.00in.	NO	NO	NO	NO
7/6/2014	NO	GB #25	Lot # 73	NO	22Ft.00in.	32Ft.00in.	NO	NO		
7/12/2014	NO	GB #26	Lot # 56	NO	17Ft.00in.	51Ft.00in.	NO	NO		
7/13/2014	NO	GB #27	Lot # 03	NO	84Ft.00in.	59Ft.00in.	NO	NO		
7/15/2014	NO	GB #28	Lot # 20	NO	32Ft.00in.	108Ft.00in.	NO	NO	NO	
7/15/2014	NO	GB #29	Lot # 49	NO	28Ft.00in.	64Ft.00in.	NO	NO		
7/18/2014	NO	GB #30	Lot # 34	NO	76Ft.00in.	41Ft.00in.	NO	NO		
7/22/2014	NO	GB #31	Lot # 02	NO	36Ft.00in.	81Ft.00in.	NO	NO		
7/26/2014	NO	GB #32	Lot # 69	NO	36Ft.00in.	23Ft.00in.	NO	NO		
7/26/2014	NO	GB #33						NO		
7/28/2014	NO	GB #34	Lot # 66	NO	98Ft.00in.	36Ft.00in.	NO	NO	NO	

Cm Nest Worksheet

Cm Nest Worksheet									If "YES" then Inventory. HS and ES values will automatically be generated as "0" or "0%." If available, inventory data for partial washouts can be entered but HS and ES will be 0% for Nourishment Productivity.	
Date Nest Recorded (mm/dd/yyyy)	Escarpment ≥ 18" Encountered (YES/NO)	ID/Label	Beach Zone (Optional)	Nest within Project Area (YES/NO)	Distance From Dune (Feet) (5 Ft 3 In should be entered as 5.03)	Distance From MHW (Feet) (5 Ft 3 In should be entered as 5.03)	Nest Relocated (YES/NO)	Nest Washed Over (YES/NO)	Nest Completely or Partially Washed Out (YES/NO)	Nest Completely Depredated (YES/NO)
6/7/2013	NO	MB Cm # 01	B - 14 St	YES	260Ft.00in.	10Ft.00in.	YES	NO	NO	NO
6/17/2013	NO	MB Cm # 02	O - LG # 12	NO	105Ft.00in.	33Ft.00in.	NO	YES	NO	NO
6/21/2013	NO	MB Cm # 03	C - 15 St	NO	216Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/29/2013	YES	MB Cm # 04	N - LG # 01	NO	142Ft.00in.	37Ft.00in.	NO	YES	YES	NO
6/30/2013	NO	MB Cm # 05	O - LG # 09	NO	160Ft.00in.	12Ft.00in.	YES	NO	NO	NO
7/14/2013	NO	MB Cm # 06	B - 13 St	YES	232Ft.00in.	16Ft.00in.	YES	NO	NO	NO
7/14/2013	NO	MB Cm # 07	O - LG # 08	NO	215Ft.00in.	26Ft.00in.	NO	YES	NO	NO
7/26/2013	NO	MB Cm # 08	C - 15 St	NO	237Ft.00in.	16Ft.00in.	YES	NO	NO	NO
8/6/2013	NO	MB Cm # 09	C - 16 St	NO	247Ft.00in.	9Ft.00in.	YES	NO	NO	NO
8/7/2013	NO	MB Cm # 10	O - LG # 08	NO	181Ft.00in.	62Ft.00in.	NO	NO	NO	NO
8/17/2013	YES	MB Cm # 11	P - LG # 13	NO	203Ft.00in.	18Ft.00in.	YES	NO	NO	NO
8/28/2013	NO	MB Cm # 12	O - LG # 07	NO	236Ft.00in.	11Ft.00in.	YES	NO	NO	NO
6/8/2013	YES	GB Cm # 01	Lot 64	NO	48Ft.00in.	33Ft.00in.	NO	NO	NO	NO
6/8/2013	YES	GB Cm # 02	Lot 70	NO	1Ft.00in.	42Ft.00in.	NO	NO	NO	NO
6/17/2013	NO	GB Cm # 03	LGHQ Strand	NO	0Ft.00in.	130Ft.00in.	NO	YES	NO	NO
6/23/2013	NO	GB Cm # 04	Lot 60	NO	7Ft.00in.	111Ft.00in.	NO	NO	NO	NO
6/23/2013	NO	GB Cm # 05	Lot 23	NO	0Ft.00in.	110Ft.00in.	NO	NO	NO	NO
6/25/2013	NO	GB Cm # 06	Lot 60	NO	8Ft.00in.	110Ft.00in.	NO	NO	NO	NO
6/30/2013	NO	GB Cm # 07	Lot 61	NO	12Ft.00in.	101Ft.00in.	NO	NO	NO	NO
7/4/2013	YES	GB Cm # 08	Lot 38	NO	0Ft.00in.	101Ft.00in.	NO	NO	NO	NO
7/6/2013	NO	GB Cm # 09	Lot 30	NO	18Ft.00in.	42Ft.00in.	NO	NO	NO	NO
7/13/2013	NO	GB Cm # 10	Lot 66	NO	2Ft.00in.	105Ft.00in.	NO	NO	NO	NO
7/16/2013	YES	GB Cm # 11	Lot 61	NO	0Ft.00in.	97Ft.00in.	NO	NO	NO	NO
7/18/2013	NO	GB Cm # 12	Lot 20	NO	28Ft.00in.	96Ft.00in.	NO	NO	NO	NO
7/24/2013	NO	GB Cm # 13	Lot 39	NO	0Ft.00in.	72Ft.00in.	NO	NO	NO	NO
7/28/2013	NO	GB Cm # 14	Lot 38	NO	0Ft.00in.	123Ft.00in.	NO	NO	NO	NO
7/29/2013	YES	GB Cm # 15	Lot 62	NO	2Ft.00in.	86Ft.00in.	NO	NO	NO	NO
7/30/2013	YES	GB Cm # 16	Lot 69	NO	4Ft.00in.	71Ft.00in.	NO	NO	NO	NO
8/3/2013	YES	GB Cm # 17	Lot 47	NO	0Ft.00in.	72Ft.00in.	NO	NO	NO	NO
8/8/2013	NO	GB Cm # 18	Lot 18	NO	12Ft.00in.	98Ft.00in.	NO	NO	NO	NO
8/14/2013	NO	GB Cm # 19	Lot 54	NO	0Ft.00in.	110Ft.00in.	NO	NO	NO	NO
9/8/2013	NO	GB Cm # 20	Lot 14	NO	0Ft.00in.	102Ft.00in.	NO	NO	NO	NO
7/1/2014	NO	MB Cm # 01	P - LG # 12	NO	173Ft.00in.	33Ft.00in.				

DC Nest Worksheet

Date Nest Recorded (mm/dd/yyyy)	Escapement ≥ 18' Encountered (YES/NO)	ID Label	Beach Zone (Optional)	Nest within Project Area (YES/NO)	Distance From Dune (ft) (FFS should be entered in cell)	Distance From MW (ft) (FFS should be entered in cell)	Nest Relocated (YES/NO)	Nest Washed Over (YES/NO)	Nest Completely or Partially Washed Out (YES/NO)	Nest Completely Depreciated (YES/NO)	First Hatching Emergence Date (mm/dd/yyyy or leave blank for Unknown)	Incubation Duration Cds are automatically generated	Hatchlings Disoriented (YES/NO)	Nest Inventoried (YES/NO)	Date Nest Inventoried (mm/dd/yyyy)
3/15/2013	NO	GB Dc # 01	115 ATA LOT # 3	NO	545.00m	445.00m	NO	NO	NO	NO	7/15/2013	Unknown	NO	YES	6/2/2013
5/3/2013	NO	MB Dc # 01	E-28 ST	YES	125.00m	325.00m	YES	NO	NO	NO	7/22/2013	73	NO	YES	7/2/2013
5/19/2013	NO	MB Dc # 02	P-LG 14	NO	148.00m	725.00m	NO	NO	NO	NO	7/22/2013	64	NO	YES	7/2/2013
4/15/2014	NO	MB Dc # 01	L-88 ST	YES	255.00m	465.00m	NO	NO	NO	NO	6/28/2014	Unknown	NO	YES	7/7/2014
5/6/2014	NO	MB Dc # 02	O-LG # 09	NO	183.00m	285.00m	NO	NO	NO	NO	7/26/2014	74	NO	NO	7/1/2014
5/14/2014	NO	MB Dc # 03	N-102 ST	YES	118.00m	515.00m	NO	NO	NO	NO	7/15/2014	62	NO	YES	7/18/2014
3/26/2014	YES	G Bch Dc # 04	Lot # 47	NO	125.00m	685.00m	NO	NO	NO	YES	6/5/2014	71	NO	YES	6/2/2014

If "YES" then inventory, HS and ES values will automatically be generated as "0" or "0%." If available, inventory data for partial washouts can be entered for YES and NO for Depreciated.

IF NEST WAS INVENTORIED, DO NOT LEAVE INVENTORY DATA CELLS BLANK TYPE 0, IF NO DATA EXISTS. IF NEST WAS NOT INVENTORIED, LEAVE ALL CELLS BLANK.										CELLS ARE AUTOMATICALLY GENERATED If a negative # or value greater than 100% appears below, recheck data entered in the nest inventory columns.				
RED CELLS WERE AUTOMATICALLY GENERATED OR WERE ENTERED AS 0.										Additional Notes (See Directions tab for examples of relevant notes.)	Latitude (Optional) reporting, use decimal degrees Eg: 26.16718	Longitude (Optional) reporting, use decimal degrees Eg: -80.71276	Hatch Success Rate	Emergence Success Rate
# of Dead Hatchlings	# of Live Hatchlings	# of Empty Shells	# of Dead Pipped	# of Live Pipped	# of Whole Eggs	# of Damaged Eggs								
0	0	0	0	0	48	0	GOLDEN BEACH - ABOUT 2 KM SOUTH OF COUNTY LINE				25.9575	-80.1187	0.00%	0.00%
0	3	64	1	0	7	0	MIAMI BEACH - 2869 AIA TRITON TOWERS CONDO				25.8036	-80.1236	88.89%	84.72%
0	1	82	1	0	20	0	HAULOVER BEACH - 1ST STREET - 2.5 km North of Haulover Inlet LG 14				25.9173	-80.1214	79.61%	78.64%
0	0	67	0	0	22	0	SOUTH BEACH - 10075 AIA The Harbour House Condo				25.8744	-80.1200	#VALUE!	#VALUE!
0	0	0	0	0	0	0	HAULOVER BEACH - 1st Street - 2.5 km North of Haulover Inlet LG 14						#VALUE!	#VALUE!
1	1	73	0	0	13	0	BAL HARBOR - 10275 AIA The Harbour House Condo				25.8980	-80.1219	84.88%	82.56%
0	0	63	0	0	10	0	GOLDEN BEACH - 461 AIA The Tides Estate - 1 km south of County Line - 17 Ponds				25.9684	-80.1184	0.00%	0.00%

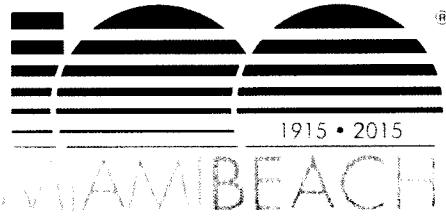
INFORMATION ON THIS PAGE IS AUTOMATICALLY GENERATED FOR NOURISHMENT PRODUCTIVITY

Species	Within Project Area	NSR	# of FCs Characterized	% of FCs: Digging	% of FCs: Body Pit	% of FCs: Egg Chamber	% of Marked Nests Disoriented	# of Nests Marked	# of Nests Inventoried	% of Marked Nests Washed Out
Loggerhead	Yes	70.73%	79	72.15%	24.05%	3.80%	3.5%	144	81	0.69%
Loggerhead	No	66.79%	157	68.79%	26.75%	4.46%	1.6%	304	200	4.93%
Green	Yes	100.00%	0	#DIV/0!	#DIV/0!	#DIV/0!	0.0%	2	2	0.00%
Green	No	57.69%	22	31.82%	27.27%	40.91%	0.0%	31	28	50.00%
Leatherback	Yes	100.00%	0	#DIV/0!	#DIV/0!	#DIV/0!	0.0%	3	3	0.00%
Leatherback	No	100.00%	1	100.00%	0.00%	0.00%	0.0%	4	3	0.00%

Average HSR Excluding Relocated Nests	Average HSR Excluding Nests Washed Out/ Depredated/ Relocated	Average ESR Excluding Relocated Nests	Average ESR Excluding Nests Washed Out/ Depredated/ Relocated	Average HSR for Relocated Nests Excluding Nests Washed Out/ Depredated
#VALUE!	#VALUE!	#VALUE!	#VALUE!	79.1%
#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#VALUE!
#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	75.4%
74.6%	77.8%	69.7%	72.8%	69.0%
80.1%	80.1%	78.9%	78.9%	88.9%
#DIV/0!	39.8%	#DIV/0!	26.2%	#DIV/0!

Nest Mean Dist to Dune (m)	Nest Mean Dist to MHW (m)	FC Apex Mean Dist to Dune (m)	FC Apex Mean Dist to MHW (m)
22.2	12.3	20.0	16.8
30.0	12.5	25.4	18.2
75.0	4.0	#DIV/0!	#DIV/0!
22.2	20.5	32.8	22.8
27.2	13.1	#DIV/0!	#DIV/0!
30.3	16.2	1.2	20.1

**Exhibit I – Beachfront Management Plan Advisory
Group Meeting Minutes**



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TO: Members of the Beachfront Management Plan Ad-hoc Advisory Group

Steven Boucher – Boucher Brothers
Vincent Canosa – City of Miami Beach Ocean Rescue
Greg Guannel – The Nature Conservancy
Capt. Dan Kipnis – Marine and Waterfront Protection Authority Committee
Sean Leather – Miami-Dade County Beach Operations
Max Sklar – City of Miami Beach Tourism, Cultural & Economic Development
Lisa Spadafina – Miami-Dade County
Steve Vincenti – Sustainability Committee
Elizabeth Wheaton, Chair – City of Miami Beach Environment & Sustainability
Christian White (also Lambright) – Florida Department of Environmental Protection (FDEP)

SUBJECT: MINUTES OF THE BEACHFRONT MANAGEMENT PLAN AD-HOC ADVISORY GROUP MEETING OF AUGUST 18, 2015

Advisory Group Attendees: Steven Boucher, Vincent Canosa, Greg Guannel, Dan Kipnis, Sean Leather, Max Sklar, Lisa Spadafina, Steve Vincenti, Elizabeth Wheaton, and Christian White.

Supporting City Staff: Mark Taxis, Assistant City Manager; John Ripple, Beach Maintenance Director; Margarita Wells, Environment Resources Manager; Mark Milisits, Asset Manager, Julio Blanco, North Beach Neighborhood Resource Officer; Javier Fulgueira, Recreation Supervisor; and, Flavia Tonioli, Sustainability Specialist.

- 1. Introduction to the Beachfront Management Plan Ad-hoc Advisory Group**
 - a. Ms. Margarita Wells introduced the purpose and format of the meeting, including the process for submitting public comments.
- 2. Selection of Chairman**
 - a. The Beachfront Management Plan Ad-hoc Advisory Group (the Group) unanimously selected Ms. Elizabeth Wheaton as its chairperson.
- 3. Review of the Beachfront Management Plan components**
 - a. Ms. Wells summarized the background of the Beach Management Plan (the Plan) and a timeline of the Plan's 10-year update. Ms. Wells then guided the Group in a cursory review of the Plan's contents. The Group agreed to select discussion items through a voting process and to allot 12 minutes per discussion items, with the option to extend the discussion, as needed.
- 4. Selection of discussion items**
 - a. The Group unanimously voted to discuss the following seven (7) items:
 - i. **Beach Concessions.**
Capt. Dan Kipnis distributed a document with eight (8) resolutions passed at the August meeting of the City's Marine & Waterfront Protection Authority regarding the Concession Operations Rules and Regulations (Exhibit D of the Plan) that he asked the Group to consider. During the discussion, Mr. Max Sklar explained the history, challenges and goals of the draft rules and regulations presented to the Group. The

Group, excluding Mr. Steven Boucher, agreed with the resolutions and recommended that they be incorporated into the Plan for the City Commission's review. Ms. Wells read the public comment cards received on beach concessions into the record (see attached).

ii. **Dune Management Plan.**

Capt. Kipnis distributed photos depicting sea grape trimming in South Beach and expressed his concern regarding this practice. Ms. Wheaton summarized the contents of the City's Dune Management Plan (Exhibit G of the Plan), including the history, challenges and goals considered in its development. She explained that the City manages a coastal dune in an urban environment and has therefore developed a comprehensive strategy that balances several stakeholder needs, such as the system's biodiversity, its health and stability, and security concerns. Ms. Christian White advised that the State of Florida, through the Coastal Construction Control Line program, has jurisdiction of the dunes and that moving forward, large-scale trimming projects will require an administrative permit rather than a field permit. She clarified that these permits provide for more specific and stringent requirements, including sea turtle lighting surveys. Ms. White also provided recommended revisions to the Dune Management Plan, including provisions for better management of the native *Dalbergia* referred to as invasive species in the draft Plan presented to the Group. Other comments provided by Ms. White included: (1) a recommendation to better manage rather than remove native *Dalbergia ecastophyllum* (coin vine) and *Ceasalpinia bonduc* (gray nickerbean); (2) a recommendation to reconsider the use of fertilizers which can contribute to pollution; and, (3) a recommendation to review the coastal hammock zone pruning specifications which could surpass the two-thirds limit provided for in the State's sea grape pruning guidelines. Capt. Kipnis asked Mr. Julio Blanco to speak regarding public safety concerns in the dune. Mr. Blanco mentioned that poor lighting, as well as overgrown vegetation contributes to crime challenges along the beach. Mr. Blanco advised that the City has passed a policy to prevent public safety concerns using Crime Prevention Through Environmental Design, with which the Dune Management Plan is in conformance. Mr. Leather advised that sea grapes are top heavy as trees and can uproot during storms, which does not allow them to hold sand and reduce erosion as intended. Ms. Wells read the public comment cards received on the Dune Management Plan into the record (see attached).

iii. **Special Event Requirements**

Ms. White advised that the City does not currently issue Area Wide Permits for special events and therefore Page 5 of 19 should be revised to read: "The City may issue special event approvals via an Area Wide Permit, field permits or other permits received from the DEP." Mr. Sklar agreed that this language is appropriate as it gives the City an opportunity to pursue Area Wide Permits in the future. Capt. Kipnis expressed the Miami Beach Marine & Waterfront Authority's concerns regarding noise during special events on the beach to which Mr. Sklar responded by explaining the existing noise control provisions in the City Code. No public comment cards were received for this item.

iv. **Beach Erosion**

Greg Guannel asked about the City's long-term plan for addressing erosional hot spots. Ms. Wheaton explained beach renourishment is managed by Miami-Dade County in collaboration with the State of Florida. She explained that the County is working to enhance their beach renourishment program by developing a more targeted beach erosion control strategy. No public comment cards were received for this item.

v. **Insurance Coverage for the State**

Miami-Dade County requires the State to be listed as an additional insured in beachfront permits and agreements because they are the land owners. Mr. Sklar agreed that the City should do the same. No public comment cards were received for this item.

vi. **Mobi-Mat Locations**

Ms. White mentioned that mobi-mat locations must be permitted by the State and approved by the Florida Fish and Wildlife Conservation Commission (FWC) through the permitting process (Exhibit N of the Plan). She indicated that a single field permit can be requested for all the mobi-mat locations Citywide and that the permit will need to be renewed on an annual basis. No public comment cards were received for this item.

vii. **Rope and Post**

Ms. White requested a revision to the rope and post standard operating procedures (Exhibit M of the Plan). Specifically, she mentioned that FWC requires all equipment kept on the beach overnight to lay 3 feet above finished grade to minimize potential impacts to sea turtles. Ms. Wheaton agreed with the requested revision. No public comment cards were received for this item.

5. **Meeting adjourn**

- a. Ms. Wells mentioned that the next step in the Plan's revision is to incorporate the minutes from the meeting as Exhibit I. The Plan, which will also incorporate factual revisions identified during the internal review process, will then be submitted to FDEP's Division of State Lands, as well as to the City Commission for review and approval.



**BEACHFRONT MANAGEMENT PLAN AD-HOC ADVISORY GROUP MEETING
PUBLIC COMMENT CARD**

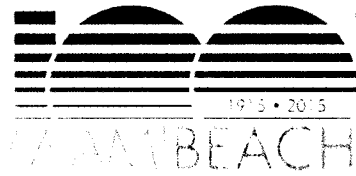
During the meeting of the Beachfront Management Plan Ad-Hoc Advisory Group, public comments will only be accepted via this public comment card. This card must be completed in its entirety and returned to the staff liaison by the end of the meeting to be included in the public record. All cards received during the meeting will be appended with the Advisory Group meeting minutes and incorporated into the final Beachfront Management Plan. At the discretion of the Advisory Group, 5-10 minutes may be allocated at the end of each discussion item for the staff liaison to read related comment cards in the order in which they were received.

Date: 3/18/15
Name: GARY HUNT
Address: 3447 SHERIDAN AVE
E-mail address: VAHUNT@ATT.NET
Phone number: 305 674 9403

Beachfront Management Plan Section: DUNE MANAGEMENT

Comments: I SUPPORT RESTORING HEALTHY DUNES BY ADDING APPROPRIATE SPECIES BUT I HAVE TO DISAGREE WITH THE DRASTIC PRUNING OF PALM DUNE SCROPPES AND ALL SUPPLEMENTAL MATERIAL TO BE DONE. I ALSO DISAGREE WITH THE MAINTENANCE HAMMACK PRUNING TO THEM AT UNDER GROWTH. THE RADICAL CUTTING WILL CAUSE ROOT DEBRACK & MAKE DUNE MORE UNSTABLE.

THE PROCESS OF THIS PROGRAM IS PROBLEMATIC - HOW CAN THE CITY CUT 100% OF SCROPPES CANOPY AND THEN AFTERWARDS PROPOSE THIS METHOD FOR APPROVAL?



**BEACHFRONT MANAGEMENT PLAN AD-HOC ADVISORY GROUP MEETING
PUBLIC COMMENT CARD**

During the meeting of the Beachfront Management Plan Ad-Hoc Advisory Group, public comments will only be accepted via this public comment card. This card must be completed in its entirety and returned to the staff liaison by the end of the meeting to be included in the public record. All cards received during the meeting will be appended with the Advisory Group meeting minutes and incorporated into the final Beachfront Management Plan. At the discretion of the Advisory Group, 5-10 minutes may be allocated at the end of each discussion item for the staff liaison to read related comment cards in the order in which they were received.

Date: 18 Aug 2015

Name: marcella pazz cohen

Address: _____

E-mail address: miaminuzint1@gmail.com

Phone number: _____

Beachfront Management Plan Section: Environmental/Dunes

Comments: further to the homeless encampments
other negative elements that remain in
present use are plastic straws, bottled
alcohol & styrofoam coolers which end
up on our sands/affecting the environment.
The other issue is the pickup of rubbish
at the end of day. CMB Concessionaries should
be responsible in picking up after their
customer departure of their zone.

Thank you



**BEACHFRONT MANAGEMENT PLAN AD-HOC ADVISORY GROUP MEETING
PUBLIC COMMENT CARD**

During the meeting of the Beachfront Management Plan Ad-Hoc Advisory Group, public comments will only be accepted via this public comment card. This card must be completed in its entirety and returned to the staff liaison by the end of the meeting to be included in the public record. All cards received during the meeting will be appended with the Advisory Group meeting minutes and incorporated into the final Beachfront Management Plan. At the discretion of the Advisory Group, 5-10 minutes may be allocated at the end of each discussion item for the staff liaison to read related comment cards in the order in which they were received.

Date: 18 Aug 2013

Name: marcello paz cohen

Address: _____

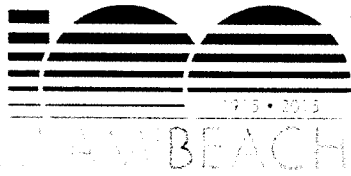
E-mail address: miaminizintle@gmail.com

Phone number: _____

Beachfront Management Plan Section: CMB Beach Concessionaries

Comments: The current situation of our beach north south bound reflects the invasive storage central particularly the MidBeach zone which due to the erosion has created a narrower coastline thus isolating beach goers enjoyment & quality of life creating a heat tunnel by blocking the winds and establishing security issues per its enclosure both during day/night.

Current inventories is excessive displaying stacks of lounge chairs/laid out ones to sit empty particularly during the week days. Should be displayed by "on demand" Thank you.



**BEACHFRONT MANAGEMENT PLAN AD-HOC ADVISORY GROUP MEETING
PUBLIC COMMENT CARD**

During the meeting of the Beachfront Management Plan Ad-Hoc Advisory Group, public comments will only be accepted via this public comment card. This card must be completed in its entirety and returned to the staff liaison by the end of the meeting to be included in the public record. All cards received during the meeting will be appended with the Advisory Group meeting minutes and incorporated into the final Beachfront Management Plan. At the discretion of the Advisory Group, 5-10 minutes may be allocated at the end of each discussion item for the staff liaison to read related comment cards in the order in which they were received.

Date: _____

Name: Clotilde Luca

Address: 301 Ocean Dr.

E-mail address: c/luca@bellsonline.net

Phone number: 305 538 6701

Beachfront Management Plan Section: August 18 2015

Comments: - get language assuming buffer zones
- " " a " GPS of boundary markers

- get language " with real penalties
including loss of license per day
if more than one violation
- (\$500 is nothing)



**BEACHFRONT MANAGEMENT PLAN AD-HOC ADVISORY GROUP MEETING
PUBLIC COMMENT CARD**

During the meeting of the Beachfront Management Plan Ad-Hoc Advisory Group, public comments will only be accepted via this public comment card. This card must be completed in its entirety and returned to the staff liaison by the end of the meeting to be included in the public record. All cards received during the meeting will be appended with the Advisory Group meeting minutes and incorporated into the final Beachfront Management Plan. At the discretion of the Advisory Group, 5-10 minutes may be allocated at the end of each discussion item for the staff liaison to read related comment cards in the order in which they were received.

Date: 08.16

Name: Moeris Sunshine

Address: 465 OCEAN DR

E-mail address: Noisecontrol@the-beach.net

Phone number: 305-672-9090

Beachfront Management Plan Section: Concessions

Comments:

- TALK ABOUT CONCESSIONS
- SPECIAL EVENTS
- BEACH WALK: 3RD TO FIFTH
Route must be better defined.

Wells, Margarita

From: Miriam Levine <miriamlevine7@gmail.com>
Sent: Monday, August 17, 2015 9:03 AM
To: Wells, Margarita
Subject: Sea Grape Destruction

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Wells,
Please stop the destruction of the sea grape trees that benefit our beach. This destruction will take years to be repaired-
-if ever!
Sincerely shocked,
Miriam Levine

Sent from my iPhone

Wells, Margarita

From: Canosa, Vincent
Sent: Monday, July 20, 2015 12:14 PM
To: Wells, Margarita
Cc: Fernandez, Virgilio
Subject: RE: For Review: City of Miami Beach Beachfront Management Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Margarita,
Just to clarify. Ocean Rescue presently has 31 lifeguard towers with 4 more pending. 43rd street and 57th street were added and staffed 2 months ago to bring us to our current total. Our hours of operation are as follows. November-December- January : 9:00am- 5:00pm. February: 7:30am -5:30pm and March to October 9:00am -7:00pm. If you have any questions give me a call.

Thanks,
VC

MIAMI BEACH

Vincent Canosa, Division Chief
FIRE DEPARTMENT/ OCEAN RESCUE DIVISION
1001 Ocean Drive, Miami Beach, FL 33139
Tel: 786-203-7890 / Fax: 786-394-4468 / www.miamibeachfl.gov

We are committed to providing excellent public safety and service to all who live, work and play in your vibrant, tropical, historic community

From: Wells, Margarita
Sent: Thursday, July 16, 2015 4:32 PM
Subject: For Review: City of Miami Beach Beachfront Management Plan

Good afternoon,

The City's Beachfront Management Plan is a comprehensive document that covers everything from daily beach operations to special events on the beach. It is a 10-year update as required by Florida Statutes. You are receiving this document as a potential stakeholder and we want to give you the opportunity to provide input. The document is available for download on the M-drive for City staff at the following link: [http://www.miamibeachfl.gov/Environmental/BEACHFRONT MANAGEMENT PLAN](http://www.miamibeachfl.gov/Environmental/BEACHFRONT%20MANAGEMENT%20PLAN). Additionally, the document will be available in the BUILDING folder for the next 48 hours via the following link: [http://www.miamibeachfl.gov/Environmental/BEACHFRONT MANAGEMENT PLAN](http://www.miamibeachfl.gov/Environmental/BEACHFRONT%20MANAGEMENT%20PLAN). After 48 hours, interested parties will need to request the document at the Convention Center Drive, 1st Floor) where it will be available until Tuesday.

Please note that, in accordance with the City's policy, we have appointed an ad-hoc advisory group of stakeholders that will discuss the plan and provide their comments on Tuesday, August 18 at 9 a.m. in the City Hall (see attached public notice). We will be accepting comments from City staff and the advisory group.

If you have any questions, please do not hesitate to contact the Environment and Sustainability Division at 305.673.7010.

Margarita



Margarita Wells, LEED AP *Environment Resources Manager*
BUILDING DEPARTMENT, Environment & Sustainability Division
1700 Convention Center Drive, Miami Beach, Florida 33139
Tel: 305-673-7000 x6928 / Fax: 786-394-4595 www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Wells, Margarita
Sent: Thursday, July 16, 2015 4:32 PM
Subject: For Review: City of Miami Beach Beachfront Management Plan

Good afternoon,

The City's Beachfront Management Plan, which includes detailed information on everything from daily beach operations to special events on the beach and everything in between, is undergoing a 10-year update as required by Florida Statutes. You are receiving this e-mail because you have been identified as a potential stakeholder and we want to give you the opportunity to provide your comments on the proposed updates. The document is available for download on the M-drive for City staff at the following location: M:\\$CMB\TEMP\Environmental\BEACHFRONT MANAGEMENT PLAN. Additionally, the document will be available on the City's FTP site under the BUILDING folder for the next 48 hours via the following link: <http://www.miamibeachflftp.biz/mediacenter/updown/default.aspx>. After 48 hours, interested parties will need to request the document from the City Clerk's Office (1700 Convention Center Drive, 1st Floor) where it will be available until Tuesday, August 18.

Please note that, in accordance with Florida Statutes, the City Commission has appointed an ad-hoc advisory group of stakeholders that will discuss the proposed beachfront management plan update and provide their comments on Tuesday, August 18 at 9 a.m. in the City Manager's Large Conference Room (see attached public notice). We will be accepting comments from City staff and from the public until then.

If you have any questions, please do not hesitate to contact the Environment and Sustainability Division at 305.673.7010.

Margarita



Margarita Wells, LEED AP *Environment Resources Manager*
BUILDING DEPARTMENT, Environment & Sustainability Division
1700 Convention Center Drive, Miami Beach, Florida 33139
Tel: 305-673-7000 x6928 / Fax: 786-394-4595 www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

Wells, Margarita

From: Cerna, Maria
Sent: Thursday, July 23, 2015 11:57 AM
To: Wells, Margarita
Subject: FW: For Review: City of Miami Beach Beachfront Management Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Margarita,

I was glancing at the Miami Beach Beachfront Management Plan and have the following comment:

On page 8 of 19, second paragraph, I believe the dollar amount should be \$3,000,000 and not \$300,000.

Great Job.



MARIA CERNA, DIVISION DIRECTOR
Office of Capital Improvement Projects
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7071
Cell: 786.209.6250
www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all Miami Beach residents.

From: Martinez, David - CIP
Sent: Friday, July 17, 2015 9:46 AM
To: Cabanas, Humberto; Cerna, Maria; Tomczyk, Ma
Subject: FW: For Review: City of Miami Beach Beachfront Management Plan

Please thumb through the document described below. I realize it's lengthy but I was able to browse through it in 15-20 minutes. It has pertinent information regarding some of our projects and some other useful general information.



David Martinez, P.E., LEED® AP, DIRECTOR
Office of Capital Improvement Projects
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7071
Fax: 786.394.4103
www.miamibeachfl.gov

Wells, Margarita

From: Ruiz, Maria
Sent: Friday, July 17, 2015 9:27 AM
To: Wells, Margarita
Subject: RE: For Review: City of Miami Beach Beachfront Management Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Margarita –

I don't know if this is of value but we will continue to post and subsequently close any homeless encampments in the dunes.

M

From: Wells, Margarita
Sent: Thursday, July 16, 2015 4:32 PM
Subject: For Review: City of Miami Beach Beachfront Management Plan

Good afternoon,

The City's Beachfront Management Plan, which includes detailed information on everything from daily beach operations to special events on the beach and everything in between, is due for a 10-year update as required by Florida Statutes. You are receiving this e-mail because you are a potential stakeholder and we want to give you the opportunity to provide input. The document is available for download on the M-drive for City staff at [M:\Environmental\BEACHFRONT MANAGEMENT PLAN](#). Additionally, the document will be available in the BUILDING folder for the next 48 hours via the following link: <http://www.miamibeachfl.gov/default.aspx>. After 48 hours, interested parties will need to request the document from the Convention Center Drive, 1st Floor) where it will be available until Tuesday, August 18 at 9 a.m.

Please note that, in accordance with the public notice, the City has appointed an ad-hoc advisory group of stakeholders that will discuss the plan and provide their comments on Tuesday, August 18 at 9 a.m. in the Building (see attached public notice). We will be accepting comments from City staff and the advisory group.

If you have any questions, please contact the Sustainability Division at 305.673.7010.

Margarita



Margarita Wells, LEED AP Environment Resources Manager
BUILDING DEPARTMENT, Environment & Sustainability Division
1700 Convention Center Drive, Miami Beach, Florida 33139
Tel: 305-673-7000 x6928 / Fax: 786-394-4595 www.miamibeachfl.gov

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Wells, Margarita

From: Winick, Graham
Sent: Wednesday, May 06, 2015 11:11 AM
To: Wheaton, Elizabeth; Wells, Margarita
Cc: Sklar, Max
Subject: FW: Federal legislative priorities

Follow Up Flag: Follow up
Flag Status: Flagged

Hi guys. We need your help.

We wish to propose as part of the Manager's Federal priority list to have the City obtain from U.S Fish and Wildlife a Section 7 Incidental Taking Permit, that would more easily allow the City to host events during Marine Turtle Nesting Season that we and the Florida DEP feel are worth pursuing and manageable without damaging the ecosystem. This was not only the suggestion, but the mandate of Florida Fish and Wildlife's Kellie Youmans moving forward as they do not wish to opine on such uses. The link to this application is below. I would like your opinion and to schedule a meeting with you to discuss how we can proceed as a municipality for the summer season. Kellie believed the process could take up to one year and we will need this in place for July 2016's Swimwear show, as well as consider it for larger events we may host, including the 2017 Out games.

<http://www.fws.gov/southeast/es/hcp2.htm>

MIAMI BEACH

Graham Winick, Film and Event Production Manager

TOURISM, CULTURAL AND ECONOMIC
1700 Convention
Tel: 305-673-757
filmiamibeach.com

55 Meridian Avenue, 5th Floor (physical address)
Tel: 786-402-1115 www.miamibeachfl.gov / eventsmiamibeach.com/



The City of Miami is subject to the provisions of the Florida Statutes concerning public records. E-mail messages are confidential.

From: Morales, Jimmy
Sent: Wednesday, May 06, 2015 5:14 AM

To: Management Team
Subject: Fwd: Federal legislative priorities

FYI. Please identify any federal issues that should be added to the legislative agenda. Let's bring these to department directors, who can then channel them to the ACM's for compilation and delivery to the Mayor's office. Thanks

Jimmy

Sent from my iPad

Begin forwarded message:

From: "Perez, Fatima" <FatimaPerez@miamibeachfl.gov>
Date: May 5, 2015 at 6:04:26 PM EDT
To: "Morales, Jimmy" <JimmyMorales@miamibeachfl.gov>
Subject: Federal legislative priorities

Jimmy:

Can you forward to the Directors that either deal with key grants or federal funding or policy issues? I need to start working and following up on our federal priorities and I need your assistance to get them to send me any pertinent info.

You can also tell me whom to contact in your organization for the info.

Thanking you in advance.

Fatima Perez
Chief of Staff
Office of the Mayor and Commission
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139
fatimaperez@miamibeachfl.gov
305-673-7035 **office**/786-375-1463 **cell**

Wells, Margarita

From: Dave Doeblar <dave.doeblar@gmail.com>
Sent: Monday, August 17, 2015 5:41 PM
To: Wells, Margarita
Subject: Public Comments for Beach Management Plan

Hi Margarita,

I have a few comments for the Beach Management Plan. I'm not sure this is the forum, so edit as you see fit.

ANTI-LITTER STRATEGY

SIGNAGE - We MUST do a better job telling people the guidelines (there is no note indicating no Styrofoam for example). Suggest positive messaging (not government 'rule' looking signs) such as 'Leave Only Footprints' or 'Protect the thing you come to enjoy'

CLEANING - Have a shift of cleaners as the tide rises focused exclusively at the waterline to prevent litter from entering the water.

BEACH AMBASSADORS to positively engage with our visitors and encourage them to take their trash.

RECYCLING BINS

- directly next to garbage cans in a 1-1 layout.
- should be more distinguishable from regular trash
- should be 7 days a week and not Sunday, Monday, Tuesday. Recyclables that are NOT collected on recycling day are thrown in the trash.

NO SEATING LINE below the high water line. Much trash is created by people leaving their litter. If people don't set up 'camp' below the water line, they won't leave trash where it will end up in the water.

BUILD A PLAN for weekends with large crowds. Whether Spring Break, Memorial Day, or Floatopia, we need to have a plan for large volumes of people. We don't have such a plan now.

CIGARETTE ASHCAN or some mechanism to encourage people not to put their butts on the sand.

TOBACCO FREE BEACH - doesn't have to be code / police enforced, just a no smoking area like a park. Maybe every other block is 'TOBACCO FREE'. It is legal to ask people to not smoke - it is not legal to enforce it.

SPECIAL EVENTS :

- **PRE-EVENT INSPECTION** and Post-Event inspection to ensure area is left exactly as before (ie, no litter and zip-ties) just like when you rent a car.
- **LIMIT WHAT CAN BE GIVEN OUT** - No plastic bags, styrofoam or plastic straws/cups allowed. Must follow Concessionaire rules "The following rules and regulations shall apply to beachfront concession operations within the City of Miami Beach. 11. ENVIRONMENTAL. The sale of beverages from cans or glass containers is not permitted. Beverages must only be dispensed in paper cups or other biodegradable containers, in accordance with applicable State and County requirements. Utensils, plates, to-go and any other food and/or beverage service items must only be paper or other biodegradable material. The use of plastic straws (including biodegradable plastic straws) and styrofoam is also prohibited. Furthermore, Section 46-92(c) of the City of

Miami Beach Municipal Code shall apply to all Upland Owner Concessionaires and their employees / subcontractors.

PENALTIES FOR CONCESSIONAIRES

- Modification of "RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS" -
Penalties for beach vending violations from monetary fine to temporary loss of license

- First infraction - suspension of license for 5 days
- Second infraction - suspension of license for 15 days
- Third infraction - suspension of license for 30 days

--

Dave Doebler
954-415-7434 cell

If everyone picks up one piece of trash every day, the Earth would be litter-free!

Wells, Margarita

From: Wells, Margarita
Sent: Monday, August 17, 2015 4:27 PM
To: 'vanhunt@att.net'
Cc: Wheaton, Elizabeth
Subject: RE: Beachfront Management Plan

Good afternoon Gary,

The meeting will take place from 9 a.m. to noon in the City Manager's Large Conference Room.

Margarita



Margarita Wells, LEED AP *Environment Resources Manager*
BUILDING DEPARTMENT, Environment & Sustainability Division
1700 Convention Center Drive, Miami Beach, Florida 33139
Tel: 305-673-7000 x6928 / Fax: 786-394-4595 www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: vanhunt@att.net [mailto:vanhunt@att.net]
Sent: Monday, August 17, 2015 4:26 PM
To: Wells, Margarita
Subject: Beachfront Management Plan

Ms. Wells,

Could you please let me know what time tomorrow the ad-hoc dune management advisory group will be meeting and in what office, I would like to attend.

Thank you,

Gary Hunt

786 414 4168

From: "Wells, Margarita" <MargaritaWells@miamibeachfl.gov>
To: 'sheryl gold' <shergoldcom@gmail.com>
Cc: "Gary Hunt (vanhunt@att.net)" <vanhunt@att.net>; "Wheaton, Elizabeth" <ElizabethWheaton@miamibeachfl.gov>
Sent: Wednesday, August 12, 2015 5:51 PM
Subject: RE: Beachfront Management Plan Download Link

Sheryl,

The members of the Advisory Group are as follows:

- Max Sklar - CMB Tourism, Culture and Economic Development/Managing Agency

- Betsy Wheaton - CMB Environment and Sustainability/Managing Agency
- Vincent Canosa - CMB Ocean Rescue/Managing Agency
- Sean Leather - Miami-Dade Beach Operations/Co-Managing Agency
- Lisa Spadafina - Miami-Dade Environmental Resources/Co-Managing Agency
- Christian Lambright – FDEP/Co-Managing Agency
- Steve Vincenti - CMB Sustainability Committee/Local Resident Representative
- Dan Kipnis - CMB Marine and Waterfront Protection Authority/Local Resident Representative
- Steve Boucher - Local Commercial Representative/Local Resident Representative
- Greg Guannel – TNC/Local Conservation Organization

I know Betsy, Christian, and Steve have been involved with past dune restoration efforts locally. I cannot advise if any of the other members are knowledgeable about dune restoration. Remember that these individuals were selected, per Florida Statutes, to represent specific stakeholder groups.

The public comment period ends on August 18, as the only comments that will be formalized are those discussed by the Advisory Group. However, as I mentioned, the City has been and will continue to take into consideration all comments that we receive until the document is sent to the State for approval.

Margarita



Margarita Wells, **LEED AP** Environment Resources Manager
BUILDING DEPARTMENT, Environment & Sustainability Division
1700 Convention Center Drive, Miami Beach, Florida 33139

Tel: 305-673-7000 x6928 / Fax: 786-394-4595 www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: sheryl gold [<mailto:shergoldcom@gmail.com>]
Sent: Tuesday, August 11, 2015 9:37 PM
To: Wells, Margarita
Cc: Gary Hunt (vanhunt@att.net); Wheaton, Elizabeth
Subject: Re: Beachfront Management Plan Download Link

Hi Margarita,

Who is serving on the Advisory Group? Are there any persons who are knowledgeable about dune restoration? How do we communicate with them?

If through your office, what is the deadline for comments that will be conveyed to the group? As you are aware, we just received the document yesterday and need time to review the dune management plan. I know you said that there will be plenty of time for additional public comment after Aug. 18 but we did not realize until yesterday that the group would be meeting next week.

Thank you,
Sheryl

On Aug 10, 2015, at 12:39 PM, Wells, Margarita wrote:

**Miami Beach Marine & Waterfront Authority
Beachfront Concession Operations Plan Resolutions**

Resolution 1: The workable area shall consist of 60% of the Concession Area divided equally along the east-west centerline of the Concession Area. The remaining 40% of the areas shall be equally divided and laid along the north and south property lines.

Resolution 2: Install or put in place permanent markers to establish the buffer zone and workable area, where the buffer zones are. The markers shall be easily/ highly visible.

Resolution 3: The buffer zone must be solely reserved for use by the public.

Resolution 4: Equipment boxes and huts shall be reduced from 50% to 30%.

Resolution 5: Storage including storage bins shall be stored north and south, instead of east and west.

Resolution 6: At the start of day only 10% of chairs and umbrellas shall be set up and more added as required by demand.

Resolution 7: Beach concessions with gas cooking facilities shall be inspected once a year by the City of Miami Beach Fire Dept.

Resolution 8: Fine schedule - The city considers instead of monetary fines, shutting down the operational sites for various lengths of time, where there is a violation of the site management plan.



www.regionalconservation.org

August 17, 2015

Re: City of Miami Beach, Draft Beachfront Management Plan

Advisory Group and Staff, City of Miami Beach,

Please accept this letter from the Regional Conservation Models program of The Institute for Regional Conservation (IRC), in review of the City's Draft Beachfront Management Plan, specifically the draft Coastal Dune Management Plan (Exhibit G).

First, the City of Miami Beach is to be commended for moving forward with the adoption of a formal dune management plan. Without such a plan, the critical biodiversity of the dune systems on Miami Beach cannot be protected or managed. In particular, we agree with the need to develop a Citywide Coastal Dune Management Plan (CDMP), as has been drafted.

We also agree with the general premise of the CDMP, which is to identify the primary natural systems extant in the dune system and to develop specifications for managing those systems, and restoring them where needed. The removal of invasive exotic plants throughout the dune system, and the management of a grassy pioneer zone are paramount and, seemingly, without great controversy. We would, however, delete the phrase "or eliminate" from the last sentence of the Statement of Purpose; future maintenance can never be eliminated.

While less obvious, the restoration and management of the coastal strand system in the back dune is of great importance to plant and animal biodiversity. Almost all coastal strand systems in southeastern Florida were destroyed prior to the early 1980s, and many species survived in small pockets along the coast. Dune restoration work in the late 1980s allowed some species to partially recover, but lack of maintenance over the years has taken a toll. Many plants in this system require high light conditions and cannot compete with invasive plants and larger, more aggressive native plants like sea-grapes, which create a canopy of shade. If sea-grape and shrub trimming on the dune is done as part of a comprehensive coastal strand restoration program, then we are in favor of this management tool. However, we think more can be done to fully restore the coastal strand system on Miami Beach. This would include the removal of additional non-native plants above and beyond what is listed by the Florida Exotic Pest Plant Council, and the installation of additional native strand plants, beyond the basic palette outlined in the CDMP. We agree that some native species like coin vine and gray nickerbean can functionally act as invasive species and require control as described in the CDMP. Although the incorporation of rare plants in the planting plan is discussed in the CDMP, it is only a

The Institute for Regional Conservation
100 E Linton Blvd
Suite 302B
Delray Beach, FL 33483


suggestion. [We would like to see the City take a stronger stance and commit to restoring a healthy dune system that incorporates the myriad native dune plants that have been documented to occur in the area, including globally and regionally rare species, so that overall conservation benefits are elevated. Some of these conservation benefits could be accomplished through contract while others could be achieved through ongoing or new volunteer community engagement efforts.]

[With regard to the actual specifications, we would encourage a quick review of the strand zone species specifications, including the ratio of saw palmettos to other species, the list of pre-approved species, and the container sizes specified. The maintenance work specification seems to be hanging (item 4 of?) and open to interpretation. Some protocols also need to be developed about how to deal with weedy native and non-native plants that invade newly planted areas.]

With regard to the Strand Zone Species Pruning Specifications, we would note that much of the necklace pod on Miami Beach is actually the non-native *Sophora tomentosa* var. *occidentalis* (from Texas, Mexico and Central America) and should be removed. We also agree that certain areas should be designated as coastal (maritime) hammock, and these area should be restored and managed so that the complete suite of coastal upland systems are represented as natural communities in the City of Miami Beach.

In conclusion, we think the CDMP as drafted is a great start and is on track, but only if the intent of the City is to engage in real long-term restoration and management. We anticipate that a longer conversation will emerge leading to great conservation work supported by a community of stakeholders. We hope that these comments are helpful and appreciate being part of the review process. Thanks you for your consideration.

Sincerely,



George Gann
Chief Conservation Strategist
The Institute for Regional Conservation
www.regionalconservation.org

A private non-profit organization, The Institute for Regional Conservation (IRC) is dedicated to the protection, restoration, and long-term management of biodiversity on a regional basis, and to the prevention of regional extinctions of rare plants, animals and ecosystems.

Wells, Margarita

From: Raelene Mercer <raelene@sublimemiami.com>
Sent: Sunday, August 16, 2015 7:42 PM
To: Wells, Margarita
Cc: Wheaton, Elizabeth; Morales, Jimmy
Subject: Sea Grape butchering

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Margarita,

[I am so disappointed in the butchering of our sea grapes in the dunes down to 2 feet on the beaches from south beach to north beach.

1. I do not accept the explanation that cutting off the canopy of the trees will strengthens the roots. I heard from arborist that leaving them exposed and smaller right now may instead leave them vulnerable. I wish the City would get additional info on this so that proper science can back this up before more butchering is done.

2. It seems that to keep them at a mere 2-3 ft height essentially would make them less effective barriers to storm surges because we are minimizing the overall surface area of the trees by shrinking them down to tiny bushes.

3. I know the city is worried about homeless/crime. But reducing our sea grapes to shrubs is no solution. Sea grapes, at least most of them, kept sized as nature intended keeps our beachfront cooler and adds much needed oxygen to our air. I doubt the city would propose getting rid of all bushy trees in the urban parks because of the same issues?

4. The way this was approved was not transparent:

[**There should have been a peer review of the approach before this was done. I request we go back and do this now, before it moves forward.**]

5. Has anyone done an impact review of the sea turtles? They are an endangered species. This may go against the laws of endangered species act?

This may go down in history as very bad judgement call on the city's behalf. And it left out the step of peer review!

There may even be news coverage of this because it is really altering our beaches. Getting RID of foliage is not a good idea when we need MORE foliage to protect storm surges.

Please forward this email to the CMB - Advisory Board, Beachfront Management Plan. I cannot attend the meeting Tuesday at 2 pm at city hall about this.

Very disappointingly,

Raelene Mercer
S U B L I M E

305 720 5805
raelene@sublimemiami.com

Wells, Margarita

From: sheryl gold <shergoldcom@gmail.com>
Sent: Monday, August 17, 2015 12:05 AM
To: Wells, Margarita
Cc: Wheaton, Elizabeth; gary hunt; Malakoff, Joy; Bob Brennan
Subject: Public Comments - CMB Dune Management Plan - Ad Hoc Advisory Board Review
Attachments: Fwd_ Dune Restoration - arborists weigh in.rtf; -8030673.FP.pdf; -8030671.FP.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To:
Margarita Wells
From: GTAG Greenspace/Tree Advocacy Group
CC: Elizabeth Wheaton, Joy Malakoff, Gary Hunt, Bob Brennan
Re: CMB Dune Management Plan

Margarita,

Please forward this e mail on Monday morning, August 17, to the CMB Ad Hoc Advisory Board reviewing the Dune Management Plan on Tues., Aug. 18

Thank you,
Sheryl Gold

August 16, 2015

Re: CMB Dune Management Plan

Dear Members of the CMB Ad Hoc Advisory on the Dune Management Plan,

Although this e mail is lengthy, it is filled with information and facts that are important to your review of the City's Plan. We hope you will take the time to read it.

[We are a group of resident experts who have voluntarily advocated for the urban forest and greenspace in Miami Beach during the past 15 years. This is to communicate our serious concerns about the City's Dune Management Plan, and our opposition to the radical pruning of the sea grape trees, resulting in the removal of 100% of the tree's canopy and the weakening of the root system. Ironically, the City has advised residents that this was done to strengthen the tree roots and the dune system in case of storms. This represents a massive loss to the city's tree canopy, which is already seriously deficient at 15% (normal cities are at 30-35%).]

We first contacted the City in March when Luiz Rodrigues, of ECOMB, sent photos of the tree stumps in the dunes on South Beach (see below). Subsequently, we asked the City to postpone implementation of this strategy in North Beach until they obtained a peer review of the science behind this approach. The Administration refused

to contact dune specialists to review their plan and provide expert opinion. And they refused to postpone the project.

This despite critical comments from top certified arborists in South Florida; and from the scientist who worked on prior dune restoration projects on MB and had recommended Mr. Barron. The Administration dismissed all criticism, saying the tree experts were not dune experts and that the biologist did not appreciate that the dunes were in an urban area.

[Attached is correspondence with the CMB, including comments submitted by experts:
Bob Brennan, chief arborist, Fairchild Gardens; Founder and President, Tropical Arborist Guild; Recipient 2015 Miami-Dade County Crown Leadership Award; former chairman, Urban Forest Committee, City of Miami
Gary Hunt, certified arborist and native plant specialist, co founder of Treemendous and GTAG; Board Member, Tropical Audubon Society; recipient of Miami-Dade County Crown Leadership Award
Jeff Shominski, tropical horticulturist and consulting arborist, author and long time S FL plant authority; recently retired as chief horticulturist at Jungle Island
Dr. Sam Wright, biologist who consulted with CMB and Surfrider on prior dune resotration projects
Sebastian Koerber, certified master arborist specializing in wind mitigation and tree canopy]

We also reached out to The Nature Conservancy, RSMAS, the University of Florida, and other top scientists whose area of research and practice is dune restoration. None of them had heard of the city's consultant, Robert Barron nor his approach to dune restoration.

We then contacted FDEP who issued the permits (see attached). The permits were for "CPTED Trimming Events".... not for "dune restoration". We spoke with the official who issued the permits. At first she told us the City had exceeded the permit. Then, upon checking the permit, she realized that the city was legally in compliance because there were no height restrictions in the permit. Nevertheless, there was a lot more trimming than she had expected. She said the reason she issued the permits was because the city said there were numerous rapes and stabbings. No statistics were provided nor was their a dune restoration plan submitted with the permit application. She described the tree trimming as a "massacre" and said she was sorry she ever issued the permits.

Sea grape trees are specifically adapted to the back dune habitat. There are restrictions for trimming sea grape trees:

Trimming or pruning native dune vegetation may seem desirable to a property owner in order to provide a clear view. All trimming and pruning of sea grapes seaward of the Coastal Construction Control Line is subject to the permitting requirements of the FDEP. No more than one-third of the height of a sea grape and no more than one-third of the leaf area may be removed in a single pruning event or a single year. The plants can not be reduced to an overall height of less than six feet. All pruning should be in accordance with accepted horticultural practices referred to as "Crown Reduction Pruning Standards". Any pruning beyond this limit requires an FDEP permit. A well-developed stand of seagrapes is essential to the stability of the beach and dune, accretion of sand, and protection of upland buildings from storm-induced erosion and blowing sand and salt spray. Sea grapes also block light from the beach where it could otherwise interfere with sea turtle nesting and disorient emerging hatchlings. Marine turtle mortality resulting from increased illumination is a violation of Florida Statutes and the Federal Endangered Species Act of 1973 and is subject to fines up to \$10,000. The best policy is to let a hard winter freeze and salt spray control the height of dune seagrapes naturally.

As recently as this week, a South Beach activist reported to us:

"City officials advise that the cutting of sea grapes in the dunes down to a height of two to three feet strengthens the root system and is thus a good hurricane storm surge barrier, and that the plans are to keep them trimmed at about that height."

The response from our tree experts:

["Any tree that does not need roots will discard them. Roots grow to support the canopy of the tree. Not because some one says they want strong roots. When the canopy of a tree is removed, the root system starts to decline," said Bob Brennan.

"Officials cannot claim that when 100% of the tree's canopy is removed that the root system is strengthened. The stump without leaves is unable to conduct photosynthesis and cannot maintain the extensive root system of the original tree," said Gary Hunt.

One thing everyone agrees on is that the dune system requires more species. We've been advised there needs to be **at least three times the species that is being recommended** in the plan. The diversity is key to strengthening the dune system. However, these plantings did not necessitate reducing the sea grape trees to bushes (that the city plans to maintain at 36").

South Florida, and Miami Beach, in particular face serious impacts from climate change and SLR. The challenge is to adapt as best we can, for however long our barrier island will be habitable -- which is a matter of decades, not a hundred or hundreds of years.

Trees play a key role in adapting to climate change. They are important for efficient stormwater management. They provide shade in ever increasing temperatures. They clean the water.

The City needs to adopt natural solutions as well as engineered solutions. And the best science available should be sought before radical programs such as this one are implemented. Why were these trees cut so severely before the Dune Management Plan was reviewed, approved and implemented? All we ever asked was for a scientific peer review of Mr. Barron's dune management plan. The City only recently reached out to two others; one a dune plant specialist and, the other, one of the nation's top coastal dune scientists and licensed geologist in FL. As of this date, we have not seen Dr. Gann's report on his site visit or Dr. Robert Young's analysis.

The assistant city manager has repeatedly stated that there are many competing interests in an urban area. Nothing can justify the mass destruction of the sea grape tree canopy. Nor the overzealous CPTED implementation in the City's parks that has destroyed hundreds of mature native trees that were painstakingly harvested from special seeds to re create a more natural species composition. Nor the thousands of mature trees lost to public "improvement" projects.

[We recommend that you urge the city to undertake a **peer review** of the dune management plan BEFORE it is submitted to the State. Only then will the City have the scientific analysis it needs to take responsible action. The plan should include a **time schedule and budget** to ensure that the full plan will be implemented.]

Other serious concerns include the fate of the **turtles**. We have been told that the hatchlings will be disoriented and head west and die, because the severe sea grape trimming has removed a considerable amount of light-blocking tree canopy. [The Sea Turtle Conservancy should be consulted.]

[The community deserves to know the city's **plan to mitigate for the lost tree canopy**. Since the sea grapes would have to die in order for the State to require replacement, this will not address the massive loss of tree canopy.]

We look to government agencies and the City to protect our environment. Unfortunately, in this case the permitting system and the City process failed. The community is now dependent upon the Advisory Board to deliberate over these serious issues and recommend solutions to put the City on the right path.

Sheryl Gold
Gary Hunt
GTAG Greenspace/Tree Advocacy Group







From: sheryl gold <shergoldcom@gmail.com>
Date: August 16, 2015 3:49:17 PM EDT
To: sheryl gold <shergoldcom@gmail.com>
Subject: **Fwd: Dune Restoration - arborists weigh in**

From: Jeff Shimonski <jeff@tropicaldesigns.com>
Date: July 28, 2015 7:33:43 PM EDT
To: Bob Brennan <treeguru@mac.com>
Subject: **Re: Fwd: Dune Restoration**

Hey Bob,

I read with great interest the email thread below regarding the severe cutting of the seagrasses to 3 feet. Over the course of my horticultural career I have worked with a substantial amount of these trees including successfully relocating mature, 30 feet to 40 feet tall, seagrasses to a beach along Biscayne Bay. I have also spent quite a bit of time pruning, including restoration pruning after hurricanes, large branches on this species.

There is certainly a large amount of experts involved in this project but my experience tells me that this amount of severe pruning on these trees will likely kill them, if not outright, then via the huge infection wounds that will be created with such large pruning cuts. Perhaps I missed it but I could not find the diameter of the seagrass trunks in the email thread.

I have grown and maintained seagrasses as hedges and visual barriers and found when trunks over a few inches in diameter are cut, the ends decay and the new growth is weakly attached. Wow, I think that is why we learned not to be topping trees. Yep, their roots will die. Aren't these roots part of the stabilizing environment on a beach habitat?

My 2 cents,

Jeff Shimonski
ISA Certified Arborist Municipal Specialist FL-1052AM
Member American Society of Consulting Arborists
ISA Tree Risk Assessment Qualification
305-773-9406
www.TropicalDesigns.com
www.MalaysiaFlora.com

Mark,

You have now heard from two of our region's most knowledgeable and

respected tree experts. Both have extensive experience working in

ALL habitats, including dunes.

I do not know anyone, other than Mr. Barron and staff, that thinks this is a good plan. If anything, everyone we have spoken with thinks it is a bad plan.

You refer to our urban area as if it were unique. Every urban area has competing interests. That being said, we are not aware of

any other city that is so willing to sacrifice trees because they cannot control crime and the homeless. I just returned from Berlin, an impressive "green city" with lots of parks and tree lined streets, where trees are rightfully considered the "lungs" of the city. It was apparent that vegetation is not pruned or destroyed due to visibility and safety issues; yet, I did not see a single vagrant or homeless person during my 9 day stay. While Miami

Beach is not exactly Berlin, it is relevant. Miami

Beach finally has decided that trees are a priority. As a result, its tree preservation and protection efforts must reflect this.

It doesn't matter when the dune restoration project began. What is

important, is to consult other experts to review the current approach and recommend what is best, now. In that regard, please

update us on the city's outreach, i.e. NOAA, RSMAS, environmental

organizations, as promised in Betsy Wheaton's last correspondence.

Thank you.

Sheryl Gold
GTAG Greenspace/Tree Advocacy Group

On Jun 22, 2015, at 8:07 PM, Taxis, Mark wrote:

Hi Gary,

Thank you for taking the time to write. There are no hidden agendas, but the issue is a bit more complex than many are making it out to be. The dune restoration project is something that began in 2013 as a comprehensive approach to managing our dune system. There were and continue to be many competing interests.

There were those that were pushing for pretty manicured dunes like the ones in Bal Harbor (non-functional), those that wanted to have natural dunes with no trimming, and those (along with our Police Department) that wanted extensive trimming (more than is being done in this project) to increase visibility and safety. Most problems, when viewed from one perspective are quite easy to solve. To effectively manage a dune system in an urban area like Miami Beach where there are so many competing interests is very complex. In order to develop an approach that would allow the City of Miami Beach to manage a functional dune system in an urban environment that protects property in a major wind event with

storm surge and addresses safety concerns, the City engaged Rob Barron to assist us with this. His credentials are :

40 years of experience in design and installation of coastal landscapes, including both ornamental and restoration projects

Rob has been working on the Florida coastline and in the Caribbean since 1973, and has carried out over 1400 dune restoration and management projects ranging from large scale (miles of shoreline per project) hurricane repairs to sophisticated, comprehensive habitat restorations. Some of Rob's more notable projects include dunescapes, repairs and restorations for City of Delray Beach, Town of Jupiter Island, Elbow Key (Bahamas), Manalapan private preserve, Cistern Cay (Bahamas), Hutchison Island and Governor Beach, St. Barthelemy, French West Indies. He regularly addresses professional organizations at conference on coastal policy, plant science and landscape management practices. He has also tenaciously and successfully lobbied for significant revisions to coastal management policy and regulation at state and local levels. As you can see Rob Barron is an expert in dune restoration and management.

I have a great deal of confidence in Betsy Wheaton, believe we have hired an expert and developed a good plan that considers all perspectives.

Thanks again,

Mark

On Jun 22, 2015, at 6:56 PM,
"vanhunt@att.net<<mailto:vanhunt@att.net>

" <vanhunt@att.net<<mailto:vanhunt@att.net>>> wrote:

Thank you Bob for your common sense explanation to the city staff and commissioner that when a tree loses 90% of its canopy it can no longer maintain the extensive root system it once had as a whole tree, an extensive root system which once helped to hold the soil of the dune together. It is well known that the root system will die back to a level that the pruned tree can maintain, especially the fine rootlets that run throughout the soil and stabilize the surrounding soil. Drastic pruning will actually make the dunes less stable.

A couple of other points to consider are the large tree, perhaps ten feet across, collects leaves underneath that are prevented from blowing away by the natural shape of the seagrape. These leaves decay and add organic material to the dunes that can be used by the seagrape as well as other dune plants. The drastically pruned hedge two feet high and two feet wide will no longer hold leaves, the organic material will oxidize away quickly in the sun and the cycle of adding nutrients to the soil will be broken. Additionally, the dunes maintain themselves by trapping blowing sand as they trap fallen leaves. A two foot hedge will not maintain the same level of sand accretion that a full tree does.

If the city truly wanted to protect the dunes and the seagrape

trees then adding more plants on the shoreward side would be the logical solution. There are many species that are native here but a couple of plants that are very hearty, wind and salt tolerant and were found on Miami Beach before it was developed are saw palmettos, dalbergia ecastophyllum or coin vine, cocoplum, wax mrytle and necklace pod. Planting these in front of the seagrapes and in the holes left by the removed scaevola sericea would help build the dunes by trapping windblown sand, they would add their roots to the dune to bind the soil and also to help create the wedge shape cross section that directs the wind up and over the seagrapes, protecting them from wind toss. I feel that the decision by the city staff to radically cut the seagrapes to protect them is not real reason they have been cut. Clearly no one wakes up in the morning and says "I have to destroy the tree to save the tree". There is some other agenda driving this destruction because adding more native plants to fill the holes left by the removal of the invasive scaevola sericea would have been the clear logical path. Gary Hunt

From: Bob Brennan

<treeguru@mac.com<<mailto:treeguru@mac.com>>>

To: sheryl gold

<shergoldcom@gmail.com<<mailto:shergoldcom@gmail.com>>>

Cc: "Wheaton, Elizabeth"

<ElizabethWheaton@miamibeachfl.gov<<mailto:ElizabethWheaton@miamibeachfl.gov>>>; "Taxis, Mark"

<MarkTaxis@miamibeachfl.gov<<mailto:MarkTaxis@miamibeachfl.gov>>>;

"Malakoff, Joy"

<

JoyMalakoff@miamibeachfl.gov<<mailto:JoyMalakoff@miamibeachfl.gov>>>

hfl.gov>>

;

"Morales, Jimmy"

<

JimmyMorales

@miamibeachfl.gov<mailto:JimmyMorales@miamibeachfl.gov>>

; "Wells, Margarita"

<MargaritaWells@miamibeachfl.gov<mailto:MargaritaWells@miamibeachfl.gov>>

l.g ov>>; gary hunt <vanhunt@att.net<mailto:vanhunt@att.net>>

Sent:

Sunday, June 21, 2015 10:53 AM

Subject: Re: following up re: dune restoration

Flawed logic of drastic reduction: Part of the reason that Hat Racking is banned is within the root system. Trees grow roots to support the top of the tree. I do not think there is any question about that. When the top of the tree is removed roots die. (this does not help the dune) When roots die or are removed it shows in tip and branch dieback in the canopy. In usually the length of time it takes for the tree to grow. 4 inch diameter limb is removed a 4 inch diameter root dies.

If you remove 1,000 pounds of canopy from the tree, you will have 1,000 pounds of roots die. This is why we grow trees on the dune and maintain them instead of coppicing them.

Trees do not react quickly as a rule. Slow and steady the trunk stores energy for drought and storms and insect infestation which is why they grow for so long.

Yes it does take a person who cares and is willing to be trained or is trained to do proper tree pruning. This training is available and is reasonable in price thru the Agricultural

Extension Service in Homestead and in Broward county. The University of Florida has professors who have spent their lives studying trees and how they grow.

I have been digging up remnant roots from trees that have been coppiced for many years and believe the actions of your landscape architect are flawed. No one can see underground without ground penetrating radar. I have been a practicing tree guy for 45 years, A certified Arborist for 11 years. Tree Risk Assessment Qualified recently.

I am sure if you think about this for a few minuets you will realize that the local people have been watching and complaining because you have been sold a bill of goods. Habitat loss... fifteen to twenty feet of space along the beach for birds and insects for the birds to eat. We need the insects to pollinate the plants for flowers and shade. Our need for shade is growing and your dune killer is removing the trees that provide it.

Will an 18 inch tall tree feed a 40 foot long root system? Of course not. Will dead roots hold the sand as well as living roots? No! Will lots of important species be lost. You can be sure of that... This project is a bad idea.

Please think about this again. It is a bad plan.....

I would rather see training for the staff you have.

Bob Brennan
treeguru@me.com<<mailto:treeguru@me.com>>
305-323-7342

1) I read the law restricting the removal of no more than 1/3 of the height and no more than 1/3 of the leaf of a sea grape tree; did the city get a special exemption to reduce the trees to 24"?

2) "There are a small number of plant species that can endure the extreme conditions encountered along our state's coastline.

Dune

species such as the Sea grapes thrive in this harsh environment. Sea grape trees and shrubs act as a continuous sand trap. The accumulation of sand by the leaves, limbs and stalks play a major role in the construction of the beach and dune system. Without the

stabilizing and accreting effects of Sea grapes and other salt-tolerant plant species, the beach and dune system becomes more vulnerable to erosion." Given the important role of seagrapes, why has the city determined that seagrapes are inappropriate for the dunes and will no longer be planting them?

Regards,
Sheryl

On Jun 15, 2015, at 9:32 PM, Wheaton, Elizabeth wrote:

Hi Mark,

Thank you for your timely response and for considering our concerns and suggestions. Again, you have not told us anything in

this e-mail that GTAG members did not already know. We've heard

all the justifications, we're familiar with Mr. Barron's credentials and read his letter more than once, along with the details of his approach. I really don't understand why staff failed to meet with us in the last two months, so that this could have been discussed. We are not convinced that winds or storms

would threaten the trees if they were appropriately maintained (not turned into shrubs) or

that the trees would compromise the dune system. We are looking at

this, not from one perspective, but admittedly, not from the criminal/homeless perspective.

It is apparent that the Police Department is driving a lot of this agenda and we still maintain it is an overzealous implementation of CPTED that is not just shaping the dune vegetation into an unnatural state, it has resulted in removing

hundreds of trees in the parks and continues to result in the loss of many native trees. You may or may not be aware that at least 300 of 400

native trees voluntarily planted by Gary Hunt , years ago, with a grant that he personally obtained through Treemendous, were removed in Pine Tree Park since your administration took over. Between the drainage projects and CPTED, the city will be lucky to have any trees left .

We do not agree with this radical pruning methodology of the seagrapes and clearing the understory as is planned for North Shore

Park; and believe, in the long run, it will prove to be a mistake, just like the removal of over 400 mangrove trees along the

Collins Canal.... trees that the city is wisely considering planting for climate resiliency!

This is not a vote of no confidence in Betsy and Margarita.

However,

on citywide projects such as this, we support consulting with several experts before entering into a contract, especially, as in this case, when it is a controversial approach. As I mentioned, this consultant originally was recommended by Sam Wright, who, it

turns out, does not agree with Mr. Barron's approach. Did anyone reach out to NOAA or other consultants for input? We have

not been able to find one tree expert who agrees with this approach. While they may not be "dune specialists" they know trees

and their natural habitats, in this instance, the dunes.

Still wondering what, if any, outreach to the North Beach neighborhood will be done before they gaze upon the horrific sight

of 24 inch seagrapes with no leaves.

Sheryl Gold
GTAG

On Jun 15, 2015, at 3:02 PM, Taxis, Mark wrote:

From: Taxis, Mark
Sent: Monday, June 15, 2015 2:50 PM
To: 'sheryl gold'
Subject: RE: following up re: dune restoration

Good Afternoon Sheryl,

I apologize for the delay in getting back to you.

I appreciate both your diligence and commitment to making a difference in something that I know you believe strongly in. While we could delay the project it is not something I can support. The dune restoration project is something that began in 2013 as a comprehensive approach to managing our dune system. There were and

continue to be many competing interests. There were those that were pushing for pretty manicured dunes like the ones in Bal Harbor (non-functional), those that wanted to have natural dunes with no trimming, and those (along with our Police Department) that wanted extensive trimming to increase visibility and safety. While I could be wrong, I believe that you, like

our Police Department is looking at this issue from a single perspective. Most problems, when viewed from one perspective are quite easy to solve. But to effectively manage a dune system in an urban area like Miami Beach where there are so many competing interests is very complex. Homeless encampments in untrimmed dunes are hidden in the daytime. In order to develop an approach that would allow the City of Miami Beach to manage a functional dune system in an urban environment that protects property in a major wind event with storm surge and address safety concerns, the City engaged Rob Barron to assist us with this. His credentials are as follows:

Environmental Consultant, Grower and Landscape Contractor
40 years of experience in design and installation of coastal landscapes, including both ornamental and restoration projects
Owner
of Coastal Growers / Coastal Management & Consulting Rob has been working on the Florida coastline and in the Caribbean since 1973, and has carried out over 1000 dune restoration and management projects ranging from large scale (miles of shoreline per project) hurricane repairs to sophisticated, comprehensive habitat restorations. Coastal Management specializes in no-irrigation-system projects to replicate the complete coastal ecosystem, using a strong and population balanced mix of native plant species. Most landscape installations are now for high end, oceanfront private homes integrating storm protective dune function with the demand for an attractive and sustainable vista. Coastal Growers nursery specializes in propagation and production of rare and listed coastal species not generally available in the trade, cultured to optimize survival installed in

projects without irrigation systems. The nursery produces 60+ native species from colorful flowers to striking specimens including several for which Coastal Growers is the sole source. Some of

Rob's more notable projects include dunescapes, repairs and restorations for City of Delray Beach, Town of Jupiter Island, Elbow Key (Bahamas), Manalapan private preserve, Cistern Cay (Bahamas), Hutchison Island and Governor Beach, St.

Barthelemy,

French West Indies. He regularly addresses professional organizations at conference on coastal policy, plant science and landscape management practices. He has also tenaciously and successfully lobbied for significant revisions to coastal management policy and regulation at state and local levels.

As you can see Rob Barron is not simply an arborist, he is an expert in dune restoration and management. While I truly admire your passion and position, I don't see where any of the arborists you spoke with have any experience at all with dunes.

I have a great deal of confidence in Betsy Wheaton, believe we have hired an expert and developed a good plan that considers all perspectives. I have not read anything in your email that makes me believe we should pause this project but if the Commission thinks we should delay the project while we reconsider our approach I will certainly make the call.

Finally, I have attached a letter from Rob Barron sent last April that outlined his approach and credentials. While you and I might not agree as to what the best approach to take is, please know that I too am trying to follow what I believe is the best interest for Miami Beach.

Mark

J. Mark Taxis
Assistant City Manager
OFFICE OF THE CITY MANAGER
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7010 / Fax: 305-673-7782 /
<http://www.miamibeachfl.gov><<http://www.miamibeachfl.gov/>>

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

-----Original Message-----

From: sheryl gold [mailto:sgoldcom@me.com]

Sent: Sunday, June 14, 2015 4:33 PM

To: Taxis, Mark

Subject: following up re: dune restoration

Mark,

I have spent a good part of the day in conversation with 3 certified arborists and a North Beach neighborhood activist.

I was informed that the first time the NB neighborhood became aware of the work starting on Monday was in an e mail sent to the public on Thursday. He was not aware of any outreach by the city to North Beach residents. As a leader in the neighborhood, he would have normally been involved in any discussions/meeting.

i spoke with the following certified arborists today:

Bob Brennan, certified arborist and tree risk assessment specialist; arborist, Fairchild Tropical Botanic Gardens; founder and president, Tropical Arborist Guild; recipient Crown Leadership Award, Miami Dade County; former chairman, Urban Forest Committee, City of Miami; tel no: 305 323-7342 He believes

it is a bad reason for getting rid of the tree canopy. Trees must be properly maintained but cutting to 3 ft. is not a good idea.

Many benefits

will be lost., i.e. lowering temperatures, loss of wildlife habitat, shade, etc. He will be happy to consult with the city on site tomorrow or any other day. His arboricultural consulting fee is \$150 an hour. He can meet you at the site tomorrow or any other day.

Gary Hunt, certified arborist, V.P. of Treemendous, chair of the Tree

Committee, native plant specialist. Member of Board of Tropical Audubon Society; recipient, Crown Leadership Award, Miami Dade

County; tel no. 786-414-4168 His points are the roots are extensive because of the size of the trees. There is a balance maintained between the canopy and the underground system.

The root

system will die back and the the root system will shrink when pruned. Not only will the shrubs will never be able to grow to trees but the organic material that collects underneath the larger trees contributes to the nutrients in the soil that feeds the trees. It will be lost by oxidizing in the sun or being removed when cleared away in the process of pruning the trees into shrubs.

Much better to add a row of shrubs in front of the seagrapes to block the wind. Gary restored the Virginia Beach State Park

into an ecological gem. While not a dune restoration specialist, he knows a lot about dune environments and native plant species.

Sebastian Koerber, ISA certified master arborist and new resident on Miami Beach from Germany; specializing in wind mitigation and

tree canopy; tel no. 305 - 606 5797 Seagrape trees are specifically adapted to this natural habitat. It is hard to believe there would be a negative impact on the integrity of the dune system. Low likelihood of seagrape trees uprooting in storm;

if trees are toppled, then they adapt and grow horizontally. He is a "wind specialist" and using a software system can calculate how much tree canopy must be reduced in order to minimize wind effects. Basically, it is a misguided approach to try to improve on nature. Regarding the shrub approach in an urban area, he would need to review and assess the scientific data supporting such an approach before commenting.

Sam Wright, certified arborist and dune specialist. He moved out of town and I have not been able to reach him. While he originally recommended Robert Barron to Besty, he does not agree with this approach of reducing seagrape trees to shrubs.

The bottom line....it would be appropriate to postpone commencement of the work tomorrow morning. Take a time out, in order to reach out to the neighborhood and to schedule a meeting with Brennan, Gary and Koerber, to further study this approach; or see if NOAA has a dune restoration specialist who can add to the discussion. Only then, If it is determined this is the only way to save the dune from erosion, then at least the decision will have been made after full analysis and dispelling concerns voiced by professionals.

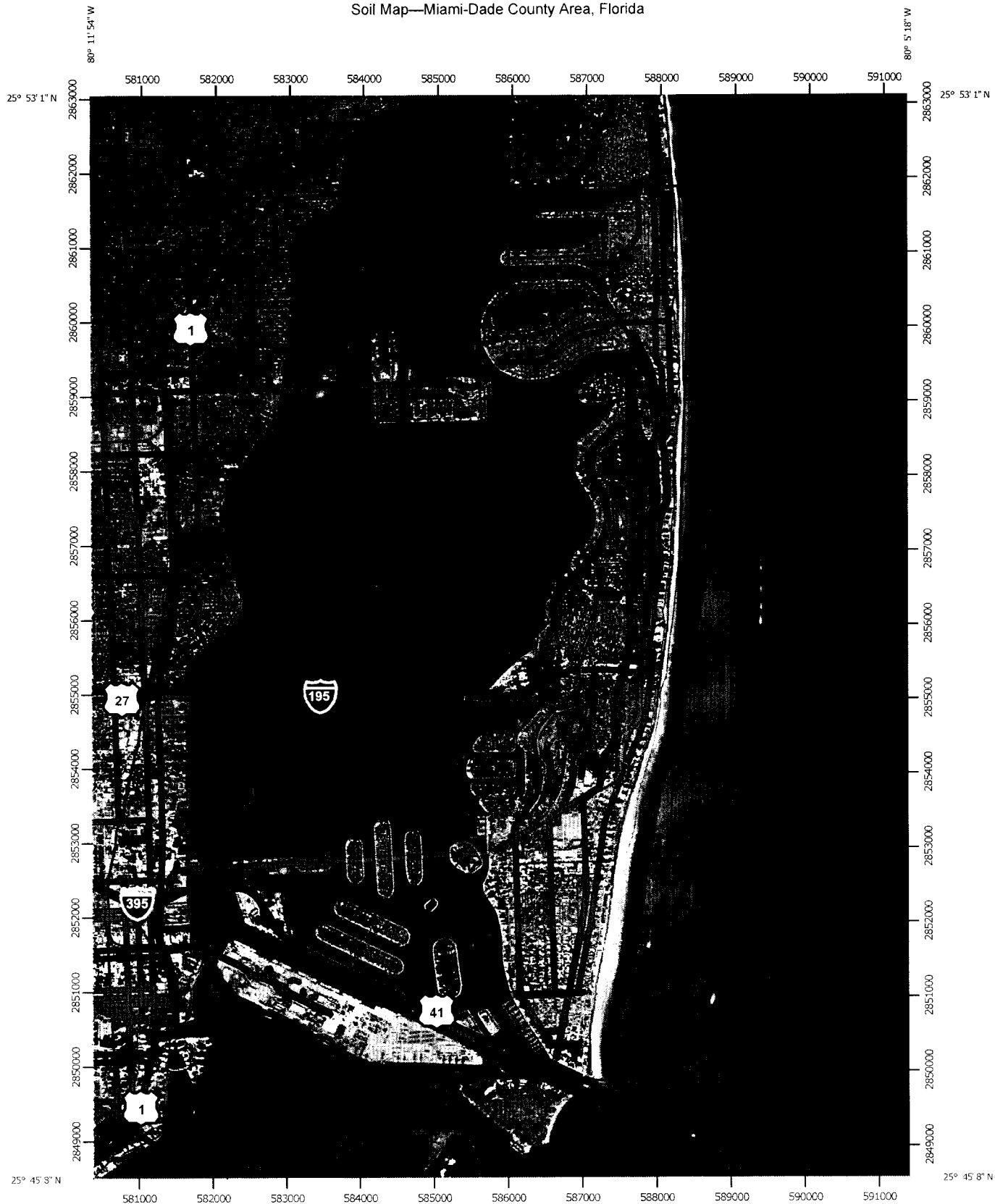
To be honest, when re reading the 2014 LTC, it appears that crime prevention is as much a part of this radical approach to our natural resources as is the dune restoration. We think the city needs to review the current implementation of CPTED and reconsider if the city's greenspace and tree canopy should be made victims of this overzealous policy.

Sheryl

<14 04-03 RHB Letter to ESW(2).pdf>

**Exhibit J – U.S. Department of Agriculture Soil
Information Survey Map**

Soil Map—Miami-Dade County Area, Florida



Map Scale: 1:71,000 if printed on A portrait (8.5" x 11") sheet.

0 1000 2000 4000 6000 Meters

0 3000 6000 12000 18000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

12/29/2014
Page 1 of 3

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000. Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.




























































































































































































































































































Soil Survey Area: Miami-Dade County Area, Florida
Survey Area Data: Version 5, Sep 9, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 11, 2010—Jan 9, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

	Area of Interest (AOI)		Soil Map Unit Polygons		Soil Map Unit Lines		Soil Map Unit Points		Special Point Features		Water Features		Streams and Canals		Transportation		Rails		Interstate Highways		US Routes		Major Roads		Local Roads		Background		Aerial Photography
	Area of Interest (AOI)		Soil Map Unit Polygons		Soil Map Unit Lines		Soil Map Unit Points		Special Point Features		Water Features		Streams and Canals		Transportation		Rails		Interstate Highways		US Routes		Major Roads		Local Roads		Background		Aerial Photography
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Map Unit Legend

Miami-Dade County Area, Florida (FL686)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9	Udorthents-Water complex	4.8	0.1%
15	Urban land	4,155.1	48.1%
39	Beaches	392.9	4.6%
42	Udorthents, limestone substratum, 0 to 5 percent slopes	377.6	4.4%
47	St. Augustine sand	3.3	0.0%
99	Water	2,789.8	32.3%
100	Waters of the Atlantic Ocean	909.7	10.5%
Totals for Area of Interest		8,633.2	100.0%

**Exhibit K – Florida Natural Areas Inventory Letter for
City of Miami Beach**



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32304
850-224-8207
fax 850-681-9364
www.fnai.org

August 4, 2014

Christine Borski
City of Miami Beach
Office of Emergency Management
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Ms. Borski,

Thank you for requesting information from the Florida Natural Areas Inventory (FNAI). We have compiled the following information for your project area.

Project: City of Miami Beach
Date Received: 7/16/2014
Location: Dade County

FNAI Element Occurrences

A search of our maps and database indicates that we currently have several element occurrences mapped in the vicinity of the study area, although only a few within the study area (see enclosed map and element occurrence table). Please be advised that a lack of element occurrences in the FNAI database is not a sufficient indication of the absence of rare or endangered species on a site.

Federally Listed Species

Our data include records of federally listed species, particularly *Caretta caretta* (Loggerhead Sea Turtle), *Chelonia mydas* (Green Sea Turtle), and *Dermochelys coriacea* (Leatherback Sea Turtle), on or very near this site (see enclosed map and tables for details). This statement should not be interpreted as a legal determination of presence or absence of federally listed species on a property.

The FNAI Element Occurrences data layer includes rigorously documented occurrences of rare species and natural communities. For animals and plants, element occurrences generally refer to more than a casual sighting; they usually indicate a viable population of the species. Note that some element occurrence labels indicate the general vicinity of the occurrence. This may be due to lack of precision of the source data, or an element that covers an extended area (such as a wide-ranging species or large natural community). Note that some element occurrences represent historically documented observations which may no longer be extant. Extirpated element occurrences will be marked with an 'X' following the occurrence label on the enclosed map.



Florida Resources
and Environmental
Analysis Center

Institute of Science
and Public Affairs

The Florida State University

*Several of the species and natural communities tracked by the Inventory are considered **data sensitive**. Occurrence records for these elements contain information that we consider sensitive due to collection pressures, extreme rarity, or at the request of the source of the information. The Element Occurrence Record has been labeled "Data Sensitive." We request that you not publish or release specific locational data about these species or communities without consent from the Inventory. If you have any questions concerning this please do not hesitate to call.*

Tracking Florida's Biodiversity

Biodiversity Matrix

In addition to element occurrences, other rare species and natural communities may be identified on or near the site based on habitat models and species range models. The Biodiversity Matrix Report compiles several data sources – including Element Occurrences, occurrence-based species habitat models, predictive range models, and natural community maps – to provide a broader list of documented, likely, and potential species on or near the site. These species could be taken into consideration in field surveys, land management, and land use decisions. Note that the Biodiversity Matrix Report lists species and communities by square-mile Matrix Unit, rather than by the site of interest, so the Documented list may vary from the Element Occurrence Table supplied with this report.

FNAI occurrence-based habitat models indicate areas, which based on land cover type, offer suitable habitat for one or more rare species that is known to occur in the vicinity. Habitat models have been developed for approximately 300 of the rarest species tracked by the Inventory, including all federally listed species.

FNAI species predictive range models indicate areas that are within the known or predicted range of a species, based on climate variables, soils, vegetation, and/or slope. Species range models have been developed for approximately 340 species, including all federally listed species.

The FNAI Biodiversity Matrix Geodatabase compiles Documented, Likely, and Potential species and natural communities for each square mile Matrix Unit statewide.

Managed Areas

Portions of the site appear to be located within the North Shore Park, managed by the City of Miami Beach.

The Managed Areas data layer shows public and privately managed conservation lands throughout the state. Federal, state, local, and privately managed conservation lands are included.

The Inventory always recommends that professionals familiar with Florida's flora and fauna conduct a site-specific survey to determine the current presence or absence of rare, threatened, or endangered species.

Please visit www.fnai.org/trackinglist.cfm for county or statewide element occurrence distributions and links to more element information.

The database maintained by the Florida Natural Areas Inventory is the single most comprehensive source of information available on the locations of rare species and other significant ecological resources. However, the data are not always based on comprehensive or site-specific field surveys. Therefore this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. Inventory data are designed for the purposes of conservation planning and scientific research, and are not intended for use as the primary criteria for regulatory decisions.

Information provided by this database may not be published without prior written notification to the Florida Natural Areas Inventory, and the Inventory must be credited as an information source in these publications. FNAI data may not be resold for profit.

This report is made available at no charge as a public service of the Florida Natural Areas Inventory.

Thank you for your use of FNAI services. If I can be of further assistance, please contact me at (850) 224-8207 or at npasco@fnai.org.

Sincerely,

Nathan Pasco

Nathan Pasco
GIS / Data Services
















Encl

Tracking Florida's Biodiversity

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Suite 200-C
Tallahassee, FL 32303
(850) 224-8207
(850) 881-9384 Fax
www.frlm.org

Natural Areas
INVENTORY
Miami Beach

Cooperative Land Cover v2.3

-  Mixed Hardwood-Coniferous
-  Shrub and Brushland
-  Sand Beach (Dry)
-  Estuarine
-  Mangrove Swamp
-  Marine
-  Exotic Plants
-  Non-Natural
-  County Boundary
-  Interstate
-  Turnpike
-  Major Highway
-  Local Road
-  Railroad (inactive railroads shown in Gray)
-  Water



City of Miami Beach

Dade County



Map produced by NUP
Map Date: 8/4/2014



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FLORIDA Natural Areas INVENTORY

Element Occurrences

- Animals
- Plants
- Communities
- Other
- Data Sensitive
- ⊕ Point Indicates General Vicinity of Element
- ⊙ U.S. Fish & Wildlife Service Scrub Jay Survey 1992-96

Conservation Lands

- Federal
- ▨ State
- Local
- ▨ Private
- ▨ State Aquatic Preserves

Land Acquisition Projects

- ▨ Florida Forever
- ▨ Board of Trustees Projects

- ▨ FNAI Rare Species Habitat
- ▨ FNAI Biodiversity Matrix Square Mile Units

- County Boundary
- Interstate
- Turnpike
- Major Highway
- Local Road
- Railroad [Inactive railroads shown in Gray]
- Water

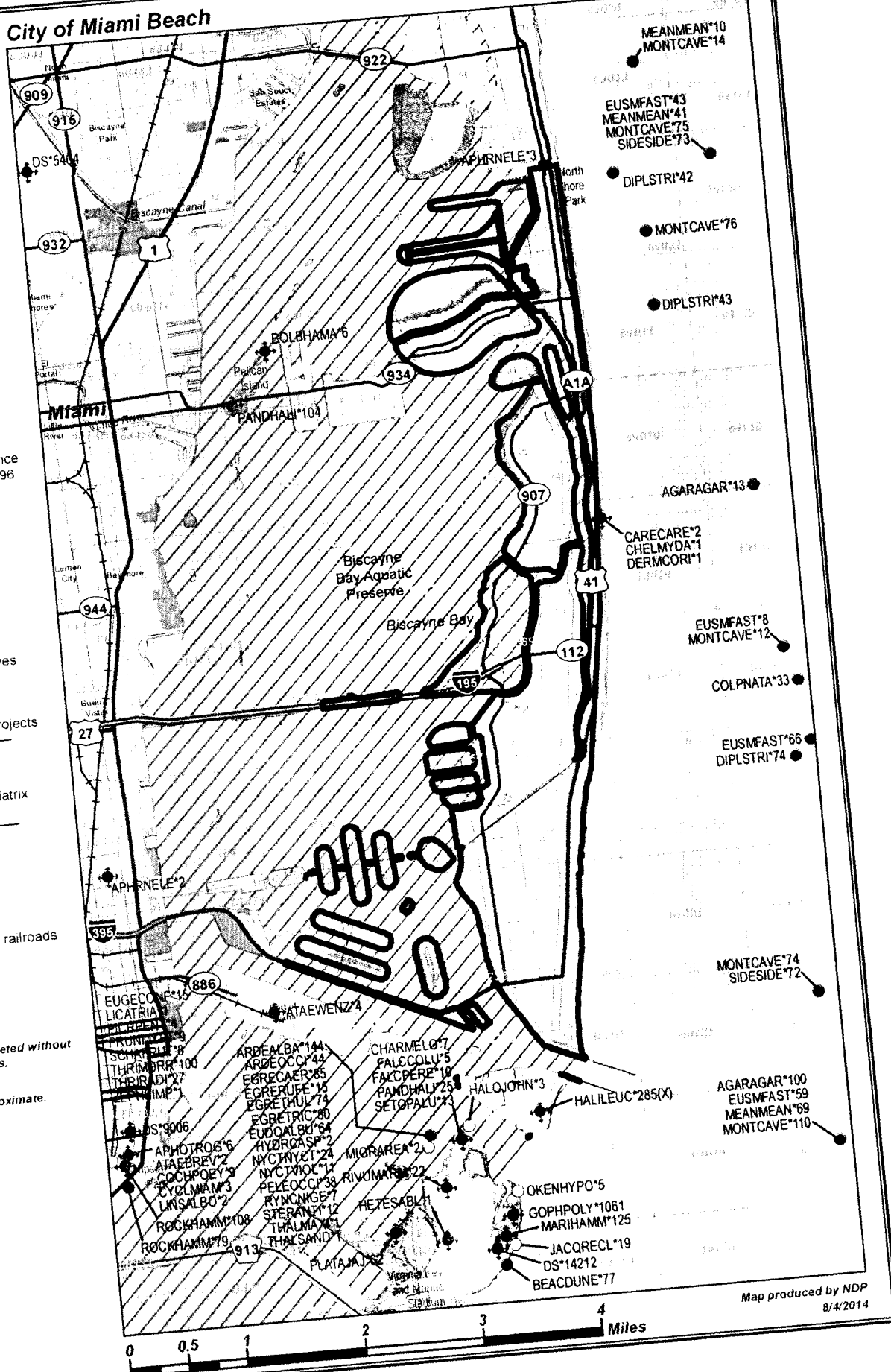
NOTE
Map should not be interpreted without accompanying documents.

Site boundaries are approximate.

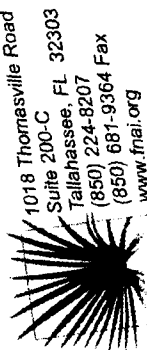


City of Miami Beach

Dade County



Map produced by NDP
8/4/2014



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FNAI ELEMENT OCCURRENCE REPORT on or near **City of Miami Beach**

EO Comments

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	Observation Date	Description	EO Comments
APHOTROG*6	Aphodius troglodytes	Gopher Tortoise Aphodius Beetle	G2G3	S2	N	1933-12-31	1933-12-31: No description given (B73W0001FLUS).	1933-12-31: One specimen was collected in a Gopher burrow by F.N. Young (B73W0001FLUS). 1933-12-29: One specimen was collected in a Gopher burrow by F.N. Young (B73W0001FLUS).
APHRNELE*3	Aphrissa nelsis	Pink-spot Sulphur	GU	S2	N	2012-05	2012-05-23: The butterfly appears to be doing well in a highly urbanized environment. The host plant, Lysiloma sabicu, appears in widely-varied places, both as mature trees as well as young ones, and the plant is a recommended landscape tree by local age	2012-05: Unspecified numbers of adults, larvae, and eggs reported from three different localities in northern Miami-Dade County during 2012-04 and 2012-05 (U12PO001FLUS).
ARDEALBA*144	Ardea alba	Great Egret	G5	S4	N	1987	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	NEVILLE REPORTS AREA USED REGULARLY IN WINTER, PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
ARDEOCCI*44	Ardea herodias occidentalis	Great White Heron	G5T2	S2	N	1987	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	NEVILLE REPORTS AREA USED REGULARLY IN WINTER, PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
ATAEWENZ*4	Ataenius wenzelii	An Ataenius Beetle	G3G5	S2S3	N	1966-10-11	1966-10-11: No description given (B73W0001FLUS).	1966-10-11: One specimen was collected by J. E. Porter using a mosquito light trap (B73W0001FLUS). 1966-09-19: One specimen was collected by J. E. Porter using a mosquito light trap (B73W0001FLUS).
BEACDUNE*77	Beach dune		G3	S2	N	1999	LOW ENERGY, NARROW, FLAT BEACH WITH ONLY PATCHY SEA OATS.	1999: Update to last obs date was based on interpretation of aerial photography (previous value was 1990-04-17) (U05FNA02FLUS). PASPALUM (U05FNA02FLUS). SCAEVOLA SERICEA, IVA DISTICHUM, IPOMOEA PES-CAPRAE, IMBRICATA, DALBERGIA, HELIANTHUS DEBILIS, COCONUT ESCASTOPHYLLUM, COCONUT
BOLBHAMA*6	Bolbocerosoma hamatum	Bicolored Burrowing Scarab Beetle	G3G4	S3	N	1962-02-07	1962-02-07: No description given (B73W0001FLUS).	1962-02-07: One specimen was collected by W.S. Brewton using a McPhail trap (B73W0001FLUS).



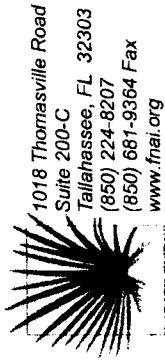
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FLORIDA
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EO Comments

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Listing	Observation Date	Description	EO Comments
CARECARE*2	Caretta caretta	Loggerhead Sea Turtle	G3	S3	LE, LT	2012	Atlantic Coast beaches and dunes. Some beaches are adjacent to dense development whereas others lie within managed natural areas.	Nesting beaches of the Southeast Florida genetic subunit as defined by Shamblin et al. (2011) (A11SHA01FLUS). This includes all observed and likely habitat from Hutchinson Island south to Key Biscayne. From 2008-2012, the surveyed beaches had annual ne
CHARMELO*7	Charadrius melodus	Piping Plover	G3	S2	LT	1987-04-19	TIDAL SWAMP AND MARINE UNCONSOLIDATED SUBSTRATE (TIDAL MUDFLATS).	WINTERING AREA. 1991 PIPING PLOVER WINTER CENSUS (U92FWS01FL) FOUND NO BIRDS IN 4.0 MILE SURVEY. 1987: 2 OBSERVED FORAGING ON MUDFLATS AT THE N.E. END OF KEY ON 19 APR. NEVILLE HAS OBSERVED A FEW BIRDS HERE IN FALL, WINTER, SPRING REGULARLY SINCE 1979. N
CHELMYDA*1	Chelonia mydas	Green Sea Turtle	G3	S2	LE	2012	Atlantic Coast beaches and dunes. Many are bordered by development, though some are protected as natural areas.	Observed and likely nesting beaches from the Georgia border to Cape Florida State Park. From 2008-2012, the surveyed beaches had annual nesting densities ranging from 0.02 to 240.14 nests per km; the highest nesting densities were in the vicinities of J
CYCLMIAM*3	Cyclocephala miamiensis	Miami Chafer Beetle	G1?	S1?	N	1994-PRE	1994-Pre: No description given (B94DEY01FLUS).	1994-Pre: This species was collected here (B94DEY01FLUS).
DERMCORI*1	Dermochelys coriacea	Leatherback Sea Turtle	G2	S2	LE	2012	Atlantic coast beaches and dunes.	Observed and likely nesting beaches from Georgia border to Cape Florida. Between 2008-2012, the surveyed beaches had annual nesting densities ranging from 0.03 to 20.75 nests per kilometer (U13FWC01FLUS). Nesting densities are highest on beaches in the
DIPLSTRI*42	Diploria strigosa	Symmetrical Brain Coral	G4	S3S4	N	2006-09-06	2006-09-06: This was in the inshore zone at 5.2 meters. habitat was recorded as "unclassified coral reef" (U09FRR01FLUS).	2006-09-06: One specimen was documented. No corals at this site were pale and 6% were bleached (U09FRR01FLUS).
DIPLSTRI*43	Diploria strigosa	Symmetrical Brain Coral	G4	S3S4	N	2006-09-06	2006-09-06: This was in the inshore zone at 5.2 meters. habitat was recorded as "unclassified coral reef" (U09FRR01FLUS).	2006-09-06: One specimen was documented. No corals at this site were pale and 7% were bleached (U09FRR01FLUS).

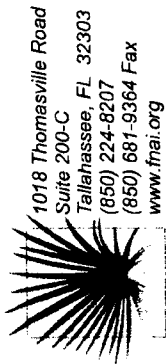


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FNAI ELEMENT OCCURRENCE REPORT on or near City of Miami Beach



Global State Federal State Observation									
Map Label	Scientific Name	Common Name	Rank	Status	Listing	Date	Description	EO Comments	
DS*14212	Data Sensitive Element	Data Sensitive	G4?	S1	N	LE	2008-10-29	Data Sensitive	
EGRECAER*85	<i>Egretta caerulea</i>	Little Blue Heron	G5	S4	N	SSC	1992-02-18	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	1991-04-16: 1 BIRD SEEN; 1992-02-18: 2 BIRDS SEEN DURING FULL MOON LOW TIDE (PNDROB06). NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
EGRERUFE*15	<i>Egretta rufescens</i>	Reddish Egret	G4	S2	N	SSC	1987	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	NEVILLE REPORTS RESIDENT DARK-PHASE REDDISH EGRET ON N. END OF VIRGINIA KEY AND WHITE-PHASE BIRDS ARE OFTEN SEEN.
EGRETHUL*74	<i>Egretta thula</i>	Snowy Egret	G5	S3	N	SSC	1992-02-18	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	1991-04-16: 1 BIRD SEEN; 1992-02-18: 1 BIRD SEEN DURING FULL MOON LOW TIDE (PNDROB06). NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
EGRETRIC*80	<i>Egretta tricolor</i>	Tricolored Heron	G5	S4	N	SSC	1992-04-17	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	1991-04-16: 1 BIRD SEEN; 1992-04-17: 3 BIRDS SEEN (PNDROB06). NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
EUDALBU*64	<i>Eudocimus albus</i>	White Ibis	G5	S4	N	SSC	1992-04-17	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	1991-04-16: 1 BIRD SEEN; 1992-02-18: 3 BIRDS SEEN DURING FULL MOON LOW TIDE; 1992-04-17: 1 BIRD SEEN (PNDROB06). NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
FALCCOLU*5	<i>Falco columbarius</i>	Merlin	G5	S2	N	N	1987	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	MIGRATION/STOP OVER AREA: MERLINS OBSERVED REGULARLY IN WINTER, ESPECIALLY NEAR MUDFLATS ON N. END OF THE KEY (NEVILLE).
FALCPERE*10	<i>Falco peregrinus</i>	Peregrine Falcon	G4	S2	N	N	1986-01-18	BEACH DUNES, UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	MIGRATION/STOP OVER AREA: PEREGRINES SEEN HERE REGULARLY ESPECIALLY NEAR THE MUDFLATS ON THE N. END OF THE KEY.
GOPHPOLY*1061	<i>Gopherus polyphemus</i>	Gopher Tortoise	G3	S3	C	ST	1990-11-21	Utility right-of-way.	1990-11-21: M.S. Robson, GFC, observation (U97GFC02FLUS).

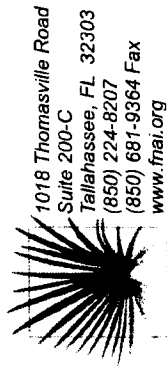


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Global State Federal State Observation							EO Comments		
Map Label	Scientific Name	Common Name	Rank	Status	Listing	Date	Description	EO Comments	
HALILEUC*285	<i>Haliaeetus leucocephalus</i>	Bald Eagle	G5	S3	N	N	1987	No general description given	Nest status 1999-2003: Unknown/not assessed - 2003, 2002, 2001, 2000, 1999; Status 1995-98: Inactive - 1998; Unknown/not assessed - 1997, 1996, 1995; (U03FWC01FLUS) - Previous data (note different format) NEST GONE IN 1980, BUT BIRDS IN TERRITORY IN 1981.
HALOJOHN*3	<i>Halophila johnsonii</i>	Johnson's Seagrass	G2	S2	LT	N	1974-04-02	No general description given	1974-04-02: CLUMPS ASSOCIATED WITH HALODULE (A80EIS01FLUS).
HETESABL*1	<i>Heterachthys sablensis</i>	Mangrove Long-Horned Beetle	G4G5	S1	N	N	1994-PRE	1994-Pre: No description given (B94DEY01FLUS).	1994-Pre: This species was collected in May and June (B94DEY01FLUS).
HYDRCASP*2	<i>Hydroprogne caspia</i>	Caspian Tern	G5	S2	N	N	1987	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.	NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
JACQRECL*19	<i>Jacquemontia reclinata</i>	Beach Jacquemontia	G1	S1	LE	LE	2008-10-29	2008-10-29: Plants are near a trail in coastal strand with moderate restoration disturbance; occurring with <i>Colubrina asiatica</i> (F08LOC02FLUS).	2008-10-29: 2-10 plants in flower/fruit (F08LOC02FLUS).
LINSALBO*2	<i>Linsleyonides albomaculatus</i>	Tropical White-Spotted Long-Horned Beetle	G2G4	S1	N	N	1994-PRE	1994-Pre: This species was found in tropical hardwood hammocks (B94DEY01FLUS).	1994-Pre: Only a few specimens have been collected (B94DEY01FLUS).
MARIHAMM*125	Maritime hammock		G3	S2	N	N	1999	TROPICAL HAMMOCK WITH 25-50' CANOPY. SOME CASUARINA.	1999: Update to last obs date was based on interpretation of aerial photography (previous value was 1990-04-17) (U05FNA02FLUS). CANOPY TREES: FICUS AUREA, COCCOLOBA UVIFERA, MASTICHODENDRON FOETIDISSIMUM, SABAL PALMETTO, GUAPIRA DISCOLOR. UNDERSTORY: EUG
MEANMEAN*10	<i>Meandrina meandrites</i>	Butterprint Brain Coral	G4	S3S4	N	N	2008-09-22	2008-09-22: This was in the irshore zone at 6.6 meters. The habitat was recorded as "unclassified coral reef" (U09FRR01FLUS).	2008-09-22: One specimen was documented. Approximately 8% of all corals at this site were pale and none were bleached (U09 (U09FRR01FLUS)).



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Global State Federal State Observation

Map Label	Scientific Name	Common Name	Rank	Status	Listing	Date	Description	EO Comments
MIGRAREA*2	Migratory Bird Concentration Area		G3	SNR	N	N	1992-04-17	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.
MONTCAVE*14	<i>Montastraea cavernosa</i>	Great Star Coral	G5	S3S4	N	N	2008-09-22	2008-09-22: This was in the inshore zone at 6.6 meters. The habitat was recorded as "unclassified coral reef" (U09FRR01FLUS).
MONTCAVE*76	<i>Montastraea cavernosa</i>	Great Star Coral	G5	S3S4	N	N	2007-09-06	2007-09-06: This was in the inshore zone at 4.6 meters. The habitat was recorded as "unclassified coral reef" (U09FRR01FLUS).
NYCTNYCT*24	<i>Nycticorax nycticorax</i>	Black-crowned Night-heron	G5	S3	N	N	1987	NEVILLE REPORTS AREA IS USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.
NYCTVIOL*11	<i>Nyctanassa violacea</i>	Yellow-crowned Night-heron	G5	S3	N	N	1987	NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUME REGULAR FEEDING/LOAFING AREA.
OKENHYPO*5	<i>Okenia hypogaea</i>	Burrowing Four-o'clock	G3?	S2	N	LE	2003-09-26	2003-09-26: Approximately 50 plants in the north polygons (F03FTG01FLUS). 1980-04-28: SMALL QUANTITY (P83AVE01FLUS).
PANDHAL*104	<i>Pandion haliaetus</i>	Osprey	G5	S3S4	N	SSC*	1990-11-15	1990-11-15: M.S. Robson, GFC, observation, pair at nest
PANDHAL*25	<i>Pandion haliaetus</i>	Osprey	G5	S3S4	N	SSC*	1991-04-16	1991-04-16: 1 BIRD SEEN ON SURVEY OF VIRGINIA KEY CRITICAL WILDLIFE AREA (PNDROB06). NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY REGULAR FEEDING/LOAFING AREA.
PELEOCCI*38	<i>Pelecanus occidentalis</i>	Brown Pelican	G4	S3	N	SSC	1992-04-17	1992-04-17: 1 BIRD SEEN (PNDROB06). NEVILLE REPORTS AREA USED REGULARLY IN WINTER. PRESUMABLY A REGULAR FEEDING/LOAFING AREA.



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FLORIDA
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INVENTORY

Map Label	Scientific Name	Common Name	Global State Rank	Federal Status	Observation Date	Description	EO Comments
PLATAJAJ*62	Platalea ajaja	Roseate Spoonbill	G5	N	SSC	1990-09-13	Tidal swamp
RIVUMARM*22	Rivulus marmoratus	Mangrove Rivulus	G4G5	S3	SSC	1960-11-08	No general description given
RYNCHICE*7	Rynchops niger	Black Skimmer	G5	S3	SSC	1982-02-18	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.
SETOPALU*13	Setophaga discolor paludicola	Florida Prairie Warbler	G5T3	S3	N	1991-04-16	TIDAL SWAMP
STERANT*12	Sterna antillarum	Least Tern	G4	S3	ST	1991-04-16	UNCONSOLIDATED MARINE SUBSTRATES, TIDAL SWAMP.
THALMAXI*1	Thalasseus maximus	Royal Tern	G5	S3	N	1992-02-18	1992-02-18: two birds seen during full moon low tide (PNDROB06FLUS). Neville reports area used regularly in winter. Presumably a regular feeding/loafing area (PNDROB06FLUS). 1991-04-16: one bird seen (PNDROB06FLUS).
THALSAND*1	Thalasseus sandvicensis	Sandwich Tern	G5	S2	N	1987	1987: Neville reports area used regularly in winter. Presumably a regular feeding/loafing area (PNDNEV01FLUS).

Florida Natural Areas Inventory Biodiversity Matrix Report



Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing
Documented					
<i>Aphrissa neleis</i>	Pink-spot Sulphur	GU	SU	N	N
<i>Caretta caretta</i>	Loggerhead Sea Turtle	G3	S3	LE, LT	FT
<i>Diploria strigosa</i>	Symmetrical Brain Coral	G4	S3S4	N	N
<i>Montastraea cavernosa</i>	Great Star Coral	G5	S3S4	N	N
Likely					
<i>Chelonia mydas</i>	Green Sea Turtle	G3	S2	LE	FE
<i>Dermochelys coriacea</i>	Leatherback Sea Turtle	G2	S2	LE	FE
<i>Eumops floridanus</i>	Florida bonneted bat	G1	S1	LE	FE
<i>Halophila johnsonii</i>	Johnson's Seagrass	G2	S2	LT	N
<i>Trichechus manatus</i>	Manatee		S2	LE	FE
Potential					
<i>Aphodius troglodytes</i>	Gopher Tortoise Aphodius Beetle	G2G3	S2	N	N
<i>Ataenius wenzelii</i>	An Ataenius Beetle	G3G5	S2S3	N	N
<i>Athene cucularia floridana</i>	Florida Burrowing Owl	G4T3	S3	N	SSC
<i>Bolbocerosoma hamatum</i>	Bicolored Burrowing Scarab Beetle	G3G4	S3	N	N
<i>Chamaesyce cumulicola</i>	Sand-dune Spurge	G2	S2	N	LE
<i>Charadrius melodus</i>	Piping Plover	G3	S2	LT	FT
<i>Conradina grandiflora</i>	Large-flowered Rosemary		S3	N	LT
<i>Crocodylus acutus</i>	American Crocodile	G2	S2	LT	FT
<i>Ctenogobius stigmaturus</i>	Spottail Goby		S2	N	N
<i>Cyclocephala miamiensis</i>	Miami Chafer Beetle	G1?	S1?	N	N
<i>Dalea carthaginensis</i> var. <i>floridana</i>	Florida Prairie Clover	G5T1	S1	C	LE
<i>Elytraria caroliniensis</i> var. <i>angustifolia</i>	Narrow-leaved Carolina Scalystem	G4T2	S2	N	N
<i>Encyclia cochleata</i> var. <i>triandra</i>	Clamshell Orchid	G4G5T2	S2	N	LE
<i>Eretmochelys imbricata</i>	Hawksbill Sea Turtle	G3	S1	LE	FE
<i>Falco columbarius</i>	Merlin	G5	S2	N	N
<i>Falco peregrinus</i>	Peregrine Falcon	G4	S2	N	N
<i>Forestiera segregata</i> var. <i>pinetorum</i>	Florida Pinewood Privet	G4T2	S2	N	N
<i>Gambusia rhizophorae</i>	Mangrove Gambusia	G3	S3	N	N
<i>Glandularia maritima</i>	Coastal Vervain		S3	N	LE
<i>Gopherus polyphemus</i>	Gopher Tortoise		S3	C	ST
<i>Haliaeetus leucocephalus</i>	Bald Eagle	G5	S3	N	N
<i>Jacquemontia curtiisii</i>	Pineland Jacquemontia	G2	S2	N	LT
<i>Jacquemontia reclinata</i>	Beach Jacquemontia	G1	S1	LE	LE
<i>Lechea divaricata</i>	Pine Pinweed	G2	S2	N	LE
<i>Linsleyonides albomaculatus</i>	Tropical White-Spotted Long-Horned f	G2G4	S1	N	N
<i>Pandion haliaetus</i>	Osprey	G5	S3S4	N	SSC*
<i>Phyllanthus pentaphyllus</i> var. <i>floridanus</i>	Florida Five-petaled Leaf-flower	G4T2	S2	N	N
<i>Pteroglossaspis ecristata</i>	Giant Orchid	G2G3	S2	N	LT
<i>Rallus longirostris scottii</i>	Florida Clapper Rail	G5T3?	S3?	N	N
<i>Rivulus marmoratus</i>	Mangrove Rivulus	G4G5	S3	SC	SSC
<i>Roystonea elata</i>	Florida Royal Palm	G2G3	S2	N	LE
<i>Setophaga discolor paludicola</i>	Florida Prairie Warbler	G5T3	S3	N	N
<i>Swietenia mahagoni</i>	West Indies Mahogany	G3G4	S3	N	LT
<i>Trichomanes punctatum</i> ssp. <i>floridanum</i>	Florida Filmy Fern	G4G5T1	S1	C	LE
<i>Zephyranthes simpsonii</i>	Redmargin Zephyrlily	G2G3	S2S3	N	LT

Definitions: Documented - Rare species and natural communities documented on or near this site.
 Documented-Historic - Rare species and natural communities documented, but not observed/reported within the last twenty years.
 Likely - Rare species and natural communities likely to occur on this site based on suitable habitat and/or known occurrences in the vicinity.
 Potential - This site lies within the known or predicted range of the species listed.



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Florida Natural Areas Inventory

Biodiversity Matrix Report



Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing
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Definitions: Documented - Rare species and natural communities documented on or near this site.
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Elements and Element Occurrences

An **element** is any exemplary or rare component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature.

An **element occurrence (EO)** is an area of land and/or water in which a species or natural community is, or was, present. An EO should have practical conservation value for the Element as evidenced by potential continued (or historical) presence and/or regular recurrence at a given location.

Element Ranking and Legal Status

Using a ranking system developed by NatureServe and the Natural Heritage Program Network, the Florida Natural Areas Inventory assigns two ranks for each element. The global rank is based on an element's worldwide status; the state rank is based on the status of the element in Florida. Element ranks are based on many factors, the most important ones being estimated number of Element Occurrences (EOs), estimated abundance (number of individuals for species; area for natural communities), geographic range, estimated number of adequately protected EOs, relative threat of destruction, and ecological fragility.

FNAI GLOBAL ELEMENT RANK

- G1** = Critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
- G2** = Imperiled globally because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
- G3** = Either very rare and local throughout its range (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
- G4** = Apparently secure globally (may be rare in parts of range).
- G5** = Demonstrably secure globally.
- GH** = Of historical occurrence throughout its range, may be rediscovered (e.g., ivory-billed woodpecker).
- GX** = Believed to be extinct throughout range.
- GXC** = Extirpated from the wild but still known from captivity or cultivation.
- G#?** = Tentative rank (e.g., G2?).
- G#G#** = Range of rank; insufficient data to assign specific global rank (e.g., G2G3).
- G#T#** = Rank of a taxonomic subgroup such as a subspecies or variety; the G portion of the rank refers to the entire species and the T portion refers to the specific subgroup; numbers have same definition as above (e.g., G3T1).
- G#Q** = Rank of questionable species - ranked as species but questionable whether it is species or subspecies; numbers have same definition as above (e.g., G2Q).
- G#T#Q** = Same as above, but validity as subspecies or variety is questioned.
- GU** = Unrankable; due to a lack of information no rank or range can be assigned (e.g., GUT2).
- GNA** = Ranking is not applicable because the element is not a suitable target for conservation (e.g. a hybrid species).
- GNR** = Element not yet ranked (temporary).
- GNRTNR** = Neither the element nor the taxonomic subgroup has yet been ranked.

FNAI STATE ELEMENT RANK

- S1** = Critically imperiled in Florida because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
- S2** = Imperiled in Florida because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
- S3** = Either very rare and local in Florida (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
- S4** = Apparently secure in Florida (may be rare in parts of range).
- S5** = Demonstrably secure in Florida.
- SH** = Of historical occurrence in Florida, possibly extirpated, but may be rediscovered (e.g., ivory-billed woodpecker).
- SX** = Believed to be extirpated throughout Florida.
- SU** = Unrankable; due to a lack of information no rank or range can be assigned.
- SNA** = State ranking is not applicable because the element is not a suitable target for conservation (e.g. a hybrid species).
- SNR** = Element not yet ranked (temporary).

FEDERAL LEGAL STATUS

Legal status information provided by FNAI for information only. For official definitions and lists of protected species, consult the relevant federal agency.

Definitions derived from U.S. Endangered Species Act of 1973, Sec. 3. Note that the federal status given by FNAI refers only to Florida populations and that federal status may differ elsewhere.

C = Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

LE = Endangered: species in danger of extinction throughout all or a significant portion of its range.

LE, LT = Species currently listed endangered in a portion of its range but only listed as threatened in other areas

LE, PDL = Species currently listed endangered but has been proposed for delisting.

LE, PT = Species currently listed endangered but has been proposed for listing as threatened.

LE, XN = Species currently listed endangered but tracked population is a non-essential experimental population.

LT = Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

SAT = Treated as threatened due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

SC = Not currently listed, but considered a "species of concern" to USFWS.

STATE LEGAL STATUS

Provided by FNAI for information only. For official definitions and lists of protected species, consult the relevant state agency.

Animals: Definitions derived from "Florida's Endangered Species and Species of Special Concern, Official Lists" published by Florida Fish and Wildlife Conservation Commission, 1 August 1997, and subsequent updates.

FE = Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

FT = Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

F(XN) = Federal listed as an experimental population in Florida

FT(S/A) = Federal Threatened due to similarity of appearance

ST = State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future. (ST* for *Ursus americanus floridanus* (Florida black bear) indicates that this status does not apply in Baker and Columbia counties and in the Apalachicola National Forest. ST* for *Neovison vison* pop.1 (Southern mink, South Florida population) indicates that this status applies to the Everglades population only.)

SSC = Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* indicates that a species has SSC status only in selected portions of its range in Florida. SSC* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

N = Not currently listed, nor currently being considered for listing.

Plants: Definitions derived from Sections 581.011 and 581.185(2), Florida Statutes, and the Preservation of Native Flora of Florida Act, SB-40.001. FNAI does not track all state-regulated plant species; for a complete list of state-regulated plant species, call Florida Division of Plant Industry, 352-372-3505 or see: <http://www.doacs.state.fl.us/pi/>.

LE = Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

LT = Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

N = Not currently listed, nor currently being considered for listing.

Element Occurrence Ranking

FNAI ranks of quality of the element occurrence in terms of its viability (EORANK). Viability is estimated using a combination of factors that contribute to continued survival of the element at the location. Among these are the size of the EO, general condition of the EO at the site, and the conditions of the landscape surrounding the EO (e.g. an immediate threat to an EO by local development pressure could lower an EO rank).

- A** = Excellent estimated viability
- A?** = Possibly excellent estimated viability
- AB** = Excellent or good estimated viability
- AC** = Excellent, good, or fair estimated viability
- B** = Good estimated viability
- B?** = Possibly good estimated viability
- BC** = Good or fair estimated viability
- BD** = Good, fair, or poor estimated viability
- C** = Fair estimated viability
- C?** = Possibly fair estimated viability
- CD** = Fair or poor estimated viability
- D** = Poor estimated viability
- D?** = Possibly poor estimated viability
- E** = Verified extant (viability not assessed)
- F** = Failed to find
- H** = Historical
- NR** = Not ranked, a placeholder when an EO is not (yet) ranked.
- U** = Unrankable
- X** = Extirpated

*For additional detail on the above ranks see: <http://www.natureserve.org/explorer/eorankguide.htm>

FNAI also uses the following EO ranks:

- H?** = Possibly historical
- F?** = Possibly failed to find
- X?** = Possibly extirpated

The following offers further explanation of the H and X ranks as they are used by FNAI:

The rank of H is used when there is a lack of recent field information verifying the continued existence of an EO, such as (a) when an EO is based only on historical collections data; or (b) when an EO was ranked A, B, C, D, or E at one time and is later, without field survey work, considered to be possibly extirpated due to general habitat loss or degradation of the environment in the area. This definition of the H rank is dependent on an interpretation of what constitutes "recent" field information. Generally, if there is no known survey of an EO within the last 20 to 40 years, it should be assigned an H rank. While these time frames represent suggested maximum limits, the actual time period for historical EOs may vary according to the biology of the element and the specific landscape context of each occurrence (including anthropogenic alteration of the environment). Thus, an H rank may be assigned to an EO before the maximum time frames have lapsed. Occurrences that have not been surveyed for periods exceeding these time frames should not be ranked A, B, C, or D. The higher maximum limit for plants and communities (i.e., ranging from 20 to 40 years) is based upon the assumption that occurrences of these elements generally have the potential to persist at a given location for longer periods of time. This greater potential is a reflection of plant biology and community dynamics. However, landscape factors must also be considered. Thus, areas with more anthropogenic impacts on the environment (e.g., development) will be at the lower end of the range, and less-impacted areas will be at the higher end.

The rank of X is assigned to EOs for which there is documented destruction of habitat or environment, or persuasive evidence of eradication based on adequate survey (i.e., thorough or repeated survey efforts by one or more experienced observers at times and under conditions appropriate for the Element at that location).



Atlas of Florida's Natural Heritage

Biodiversity, Landscapes, Stewardship, and Opportunities

The Florida Natural Areas Inventory is pleased to announce the publication of the ***Atlas of Florida's Natural Heritage: Biodiversity, Landscapes, Stewardship, and Opportunities***. This high-quality, full-color *Atlas* is sure to become a standard reference for anyone involved in the conservation, management, study, or enjoyment of Florida's rich natural resources. We hope the *Atlas* will inspire, educate, and raise awareness of and interest in biodiversity and conservation issues.



*Institute of Science
and Public Affairs*



AUDIENCE:

The ***Atlas of Florida's Natural Heritage: Biodiversity, Landscapes, Stewardship, and Opportunities*** was envisioned as a resource that would appeal to a wide-ranging audience. Through its use of colorful maps, graphics, and photography, Florida's Natural Heritage and appeal is dramatically highlighted. It is intended to appeal to a wide audience. Hopefully, it will increase awareness of the resources we take for granted, and the challenges we face in preserving them.

It is for those who are informed, interested, and/or influential in environmental issues, but may lack specific information and expertise. These may include planners, policymakers, and environmental/conservation advocates from the local to state level. It is also for environmental/conservation/natural resource managers. While the atlas may not provide "new information" to this audience, it will serve as a useful reference that brings many of the elements of biodiversity together in one publication. The final audience are the citizens of Florida and those who may visit our state.

We want the atlas to inspire, educate, and raise awareness of and the interest in biodiversity and conservation issues. Florida's biodiversity is not only important to maintain our quality of life, but it is a primary reason why so many people visit our state.

FEATURES INCLUDE:

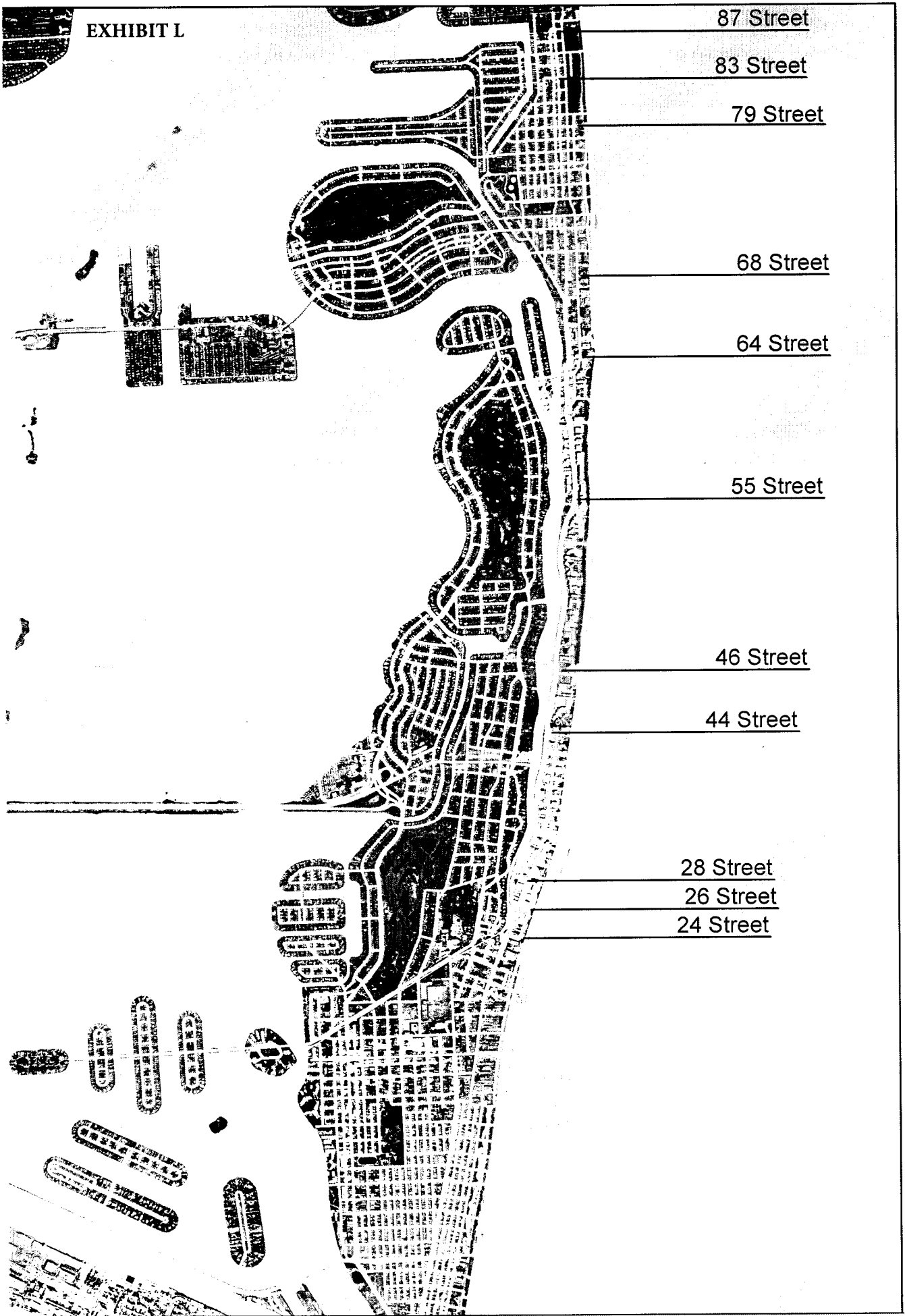
- 176 pages, 10" x 12" format, soft cover and hard cover editions
- Visually striking presentation with hundreds of maps, photos, illustrations, and other information-rich graphics
- Wide-ranging overview of natural communities and over 400 species of plants, and animals
- Coverage of timely conservation and land management issues



Learn more about the *Atlas*, view sample pages and order your copy today at:

FloridasNaturalHeritage.org

Exhibit L – Beach Erosion Hot Spots Map



0 2,500 5,000 Feet



**Exhibit M – City of Miami Beach Rope and Post/Sand
Fencing Standard Operating Procedures**

Exhibit M – City of Miami Beach Dune Rope and Post/Sand Fencing Standard Operating Procedures

The City of Miami Beach is recognized as a world-class tourism destination whose reputation depends partially on its cleanliness and pristine aesthetic. The condition of the City's beach and dune system is particularly important due to their key role in the local tourism industry, the City's economy, and their function in protecting upland properties from erosion and storm surge. City staff has identified the condition of the sand fencing and rope and post protecting the City's dunes as an area that needs improvement.

The purpose of this document is to streamline and to standardize rope and post and sand fencing management, inspection, and maintenance across all City Departments. The management responsibility for the City's dunes and beaches lies with the City's Environment and Sustainability staff. Environment and Sustainability staff works with the City's Field Monitor, who is housed in the City's Asset Management Division, to conduct monthly beach inspections during which deficiencies in the rope and post or sand fencing are identified, among other observations. It is also the responsibility of City staff to identify and report deficiencies in City property during their regular operations. The maintenance of signage, sand fencing, and the rope and post lies with the City's Property Management Division.

When the Field Monitor or other City staff identifies a deficiency in the rope and post or sand fencing, they are responsible for submitting a Property Management Request detailing the deficiency and its location within 48 hours. The Property Management Division is then responsible for responding to the request in accordance with their Division's Standard Operating Procedures. The City's Property Management Division is responsible for conducting an inventory of the City's property, including beach assets like rope and post or sand fencing, at least once per year to properly budget and allocate resources for the upcoming Fiscal Year.

The City's existing rope and post is composed of 3-Strand 100% Cotton or Nylon Rope and 4x4x8 Pressure Treated Wood that are spaced 10 feet apart, with the center/dip of the rope laying 3 feet above finished grade. The rope should be cut in 30 to 40 foot long segments and attached to the posts with screws to reduce the chance of theft. Excess rope shall be wrapped beneath the hole in the post and wrapped around the post. The City's sand fencing is composed of 4'x50' Rolls of 5 wires 13 gauge, 3/8"x1-1/2" Aspen Lath 2-1/4" spacing Natural. The City experiences three typical conditions in relation to sand fencing and rope and post. The Property Management Division's resources and manpower should be prioritized to address these conditions as listed below:

1. Rope and post or sand fencing is non-existent.

When Property Management staff identifies or receives Property Management Requests for unprotected dune areas, these areas must be immediately prioritized for new rope and post. New sand fencing shall only be installed in areas west of the dune vegetation where sand fencing already exists and the unprotected area requires no more than 500 linear feet of new fencing.

2. Rope and post or sand fencing is in disrepair.

When Property Management staff identifies or receives Property Management Requests for sections of rope and post or sand fencing in disrepair, these areas must be prioritized for new rope and post. Disrepair includes moldy rope, torn rope, broken posts and other similar structural or cosmetic damage. Sand fencing shall only be replaced in areas west of the dune vegetation where damaged sand fencing does not exceed 500 linear feet in length.

3. Dune has outgrown the rope and post or sand fencing limits.

Property Management staff shall repair or install new rope and post and sand fencing as specified above regardless of whether or not the dune has outgrown its existing boundaries. However, they should document areas where the dune has outgrown the rope and post or sand fencing for future action. Only when Property Management staff has satisfactorily addressed all areas of missing or damaged rope and post and sand fencing throughout the City, shall Property Management staff contact the Environment and Sustainability Division to discuss the inventoried areas and determine which areas are appropriate candidates for extending the limits of the rope and post eastward.

Modification of the dune limits requires Environment and Sustainability staff's review and approval. A dune modification will generally be considered appropriate if moving the rope and post will not impact the minimum required emergency vehicle lane width or the approved footprint of the adjacent beach concession operations. The City's known critical erosion hot spots shall not be considered viable locations for the eastward expansion of the dune rope and post (Beachfront Management Plan Exhibit L).

When the dune vegetation outgrows the sand fencing limits, City staff should contact Environment and Sustainability staff to review the area and determine if trimming is appropriate. If the trimming request is approved, Environmental staff will coordinate with the Greenspace Management Division to request that the overgrown vegetation be trimmed back by in-house staff or the landscaping maintenance contractor per the provisions of the City's dune management plan.

For any questions or concerns, please contact Environment and Sustainability staff for further guidance.

Exhibit N – Mobi-Mat Locations on the Beach

EXHIBIT N - MOBI - MATS LOCATIONS ON THE BEACH

	LOCATION	LINEAL FEET
1	BEHIND JETTY TOWER	86' 1 - 50' MAT AND 1 - 33'
2	BEHIND 1ST TOWER	84' 1 - 50' MAT AND 1 - 33'
3	5TH STREET ENTRANCE	117' 2 - 50' MATS AND 1 - 33'
4	8TH STREET ENTRANCE	317' 6 - 50' MATS AND 1 - 33'
5	6TH STREET	293' 6 - 50' MATS
6	10TH STREET	138' 2 - 50' AND 1 - 33'
7	14TH STREET	222' 4 - 50' AND 1 - 33'
8	15TH STREET	50' 1 - 50' MAT
9	LINCOLN RD.	50' 1 - 50 MAT
10	17TH STREET	67' 1 - 50' MAT AND 1 - 33'
11	19TH STREET	99' 2 - 50' MAT
12	64TH STREET	82' 1 - 50' AND 1 - 33'
13	69TH STREET	85' 1 - 50' AND 1 - 33'
14	72ND STREET	100' 2 - 50' MATS
15	74TH STREET	149' 3 - 50' MATS
16	79TH STREET ENTRANCE	183' 3 - 50' AND 1 - 33'

37 - 50' MATS

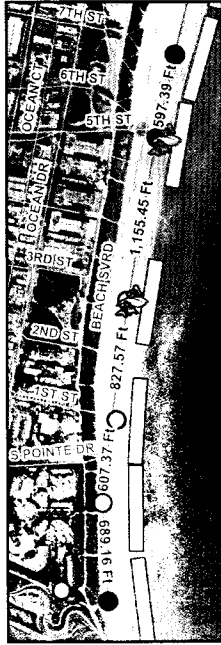
10 - 33' MATS

Exhibit O – Life Guard Stands Map

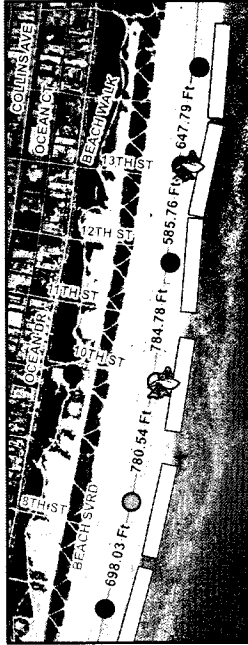
Miami Beach Lifeguard Towers



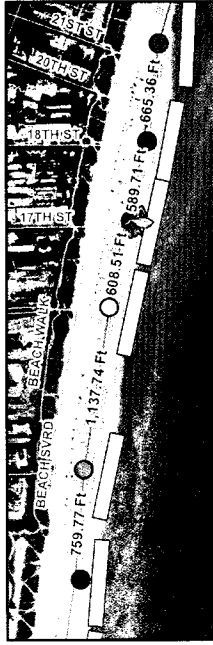
S Pointe Park to 7th Street



7th Street to 14th Street



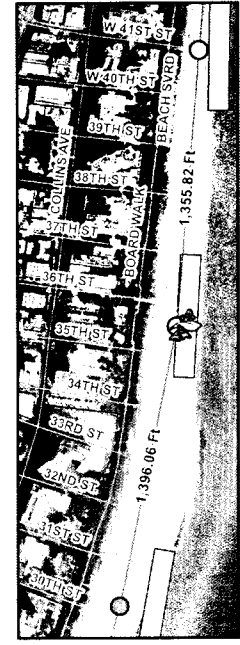
14th Street to 21st Street



21st Street to 30th Street



30th Street to W 41st Street



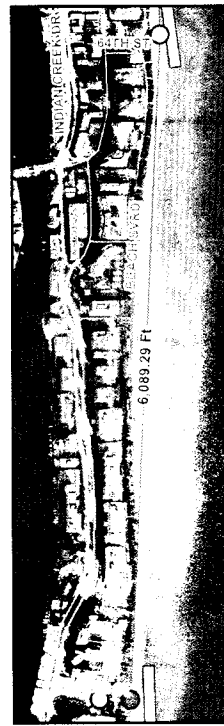
W 41st Street to W 46th Street



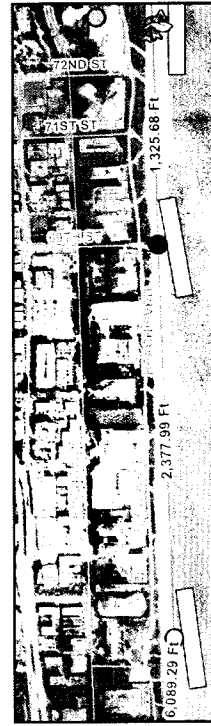
W 46th Street to W 53rd Street



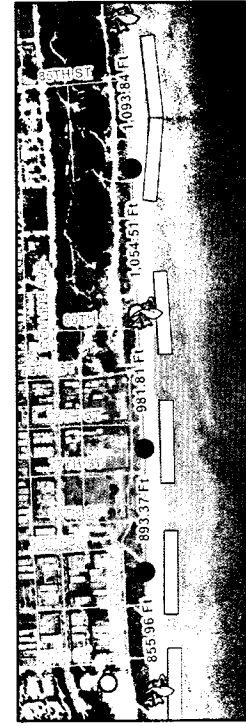
W 53rd Street to 64th Street



64th Street to 72nd Street



72nd Street to 85th Street



Legend



Swim Rope



Main Headquarters; No PWC; No ATV Available



Sub Headquarters; No PWC; No ATV Available



Double Occupancy; PWC on site; ATV Available



Double Occupancy; PWC on site; No ATV Available



Double Occupancy; No PWC; ATV Available



Double Occupancy; No PWC; No ATV Available



Single Occupancy; PWC on site; ATV Available



Single Occupancy; No PWC; ATV Available



Single Occupancy; No PWC; No ATV Available

Distance between Towers



Restricted Swim Area



Exhibit P – 10-Year Beach Management Budget

Exhibit P - 10-Year Beach Management Budget											
Activity	Year 1 FY 14/15	Year 2 FY 15/16	Year 3 FY 16/17	Year 4 FY 17/18	Year 5 FY 18/19	Year 6 FY 19/20	Year 7 FY 20/21	Year 8 FY 21/22	Year 9 FY 22/23	Year 10 FY 23/24	Totals
Operating Budgets											
Ocean Rescue	\$10,715,000.00	\$11,036,450.00	\$11,367,543.50	\$11,708,569.81	\$12,059,826.90	\$12,421,621.71	\$12,794,270.36	\$13,178,098.47	\$13,573,441.42	\$13,980,644.66	\$122,835,466.82
Environment & Sustainability	\$800,000.00	\$824,000.00	\$848,720.00	\$874,181.60	\$900,407.05	\$927,419.26	\$955,241.84	\$983,899.09	\$1,013,416.07	\$1,043,818.55	\$9,171,103.45
Asset Management	\$200,000.00	\$206,000.00	\$212,180.00	\$218,545.40	\$225,101.76	\$231,854.81	\$238,810.46	\$245,974.77	\$253,354.02	\$260,954.64	\$2,292,775.86
Other Beach Administrative Costs	\$165,000.00	\$169,950.00	\$175,048.50	\$180,299.96	\$185,708.95	\$191,280.22	\$197,018.63	\$202,929.19	\$209,017.06	\$215,287.58	\$1,891,540.09
Maintenance											
Miami-Dade County Beach Operations	\$2,000,000.00	\$2,060,000.00	\$2,121,800.00	\$2,185,454.00	\$2,251,017.62	\$2,318,548.15	\$2,388,104.59	\$2,459,747.73	\$2,533,540.16	\$2,609,546.37	\$22,927,758.62
Sanitation Beachwalk Litter	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$321,862.00	\$3,218,620.00
Sanitation Boardwalk Litter	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$127,850.00	\$1,278,500.00
Sanitation NBRC Litter	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$211,722.00	\$2,117,220.00
Sanitation Beach Spoil Litter	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$43,672.00	\$436,720.00
Boardwalk Maintenance	\$165,000.00	\$169,950.00	\$175,048.50	\$180,299.96	\$185,708.95	\$191,280.22	\$197,018.63	\$202,929.19	\$209,017.06	\$215,287.58	\$1,891,540.09
Rope & Post/Fencing Maintenance	\$60,000.00	\$61,800.00	\$63,654.00	\$65,563.62	\$67,530.53	\$69,556.44	\$71,643.14	\$73,792.43	\$76,006.20	\$78,286.39	\$687,832.76
Beachfront Bathroom Maintenance	\$564,649.46	\$581,588.94	\$599,036.61	\$617,007.71	\$635,517.94	\$654,583.48	\$674,220.98	\$694,447.61	\$715,281.04	\$736,739.47	\$6,473,073.26
Beach Shower Maintenance	\$750,000.00	\$772,500.00	\$795,675.00	\$819,545.25	\$844,131.61	\$869,455.56	\$895,539.22	\$922,405.40	\$950,077.56	\$978,579.89	\$8,597,909.48
Mobi-Mat Maintenance	\$50,000.00	\$51,500.00	\$53,045.00	\$54,636.35	\$56,275.44	\$57,963.70	\$59,702.61	\$61,493.69	\$63,338.50	\$65,238.66	\$573,193.97
Coastal Park Maintenance	\$815,748.52	\$815,748.52	\$815,748.52	\$815,748.52	\$823,931.32	\$823,931.32	\$823,931.32	\$865,127.89	\$865,127.89	\$865,127.87	\$8,330,171.69
Environment & Sustainability											
Dune Restoration, Enhancement & Maintenance	\$396,000.00	\$130,000.00	\$133,900.00	\$137,917.00	\$142,054.51	\$146,316.15	\$150,705.63	\$155,226.80	\$159,883.60	\$164,680.11	\$1,716,683.80
Beachwalk II, Phase II		\$3,500,000.00									\$3,500,000.00
Boardwalk			\$13,000,000.00								\$13,000,000.00
NBRC	\$139,196.00	\$7,919,969.70	\$4,264,599.07								\$12,323,764.77
Miami-Dade County Erosion Control											
46 Street Renourishment	\$850,000.00										\$850,000.00
53 Street Renourishment	\$350,000.00										\$350,000.00
29 Street & 87 Street Breakwaters											\$0.00
64 Street Reef Ball Project											\$0.00
Parks and Recreation*											
Fully-Accessible Beach											\$500,000.00
Allison Park Redesign & Redevelopment											\$235,000.00
Altos Del Mar Redevelopment											\$2,900,000.00
Beachview Park Playground Maintenance											\$250,000.00
Lummus Park Upgrades											\$179,422.40
Marjorie Stoneman Douglas Park Upgrades											\$7,329.63
North Shore Bandshell Upgrades											\$400,000.00
North Shore Open Space Park Upgrades											\$185,000.00
South Pointe Park Upgrades											\$5,851,112.00
Total 10-Year Beach Management Budget											\$234,971,738.69

*Projects have been approved in 10-year budget but have not been scheduled.

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Condensed Title:

A Resolution Of The Mayor And The City Commission Of The City Of Miami Beach, Florida, Consenting To The Appointment Of Elizabeth Wheaton As The Director Of The Environment & Sustainability Department For The City Of Miami Beach.

Key Intended Outcome Supported:

Maximize efficient delivery of services; strengthen internal controls.

Item Summary/Recommendation:

Pursuant to the requirements of Article IV, Section 4.02 of the City Charter, it is recommended that the Mayor and the City Commission adopt the attached resolution consenting and confirming Elizabeth Wheaton as the Director of the Environment & Sustainability Department for the City of Miami Beach.


The appointment of Ms. Wheaton, as the Director will ensure that the newly established Environment & Sustainability Department supports the overall resiliency efforts of the City of Miami Beach. The Environment and Sustainability Department will consist of the Sustainability Division to handle internal and external climate change mitigation efforts, the Environmental Resources Management Division to support the sea level rise adaptation efforts and environmental compliance, and the Urban Forestry Division to manage the newly created Tree Permitting Program geared to enhance the City's urban tree canopy.

The Administration recommends adopting the resolution.

Advisory Board Recommendation:

N/A


Financial Information:

Source of Funds:		Amount	Account
	1	NA	NA
	2	NA	NA
	3	NA	NA
	Total	NA	

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Sylvia Crespo-Tabak, Human Resources Director

Sign-Offs:

Department Director	Assistant City Manager	Assistant City Manager	City Manager
Sylvia Crespo-Tabak	Mark Taxis	Susanne Torriente	Jimmy L. Morales
			





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO THE APPOINTMENT OF ELIZABETH WHEATON AS THE DIRECTOR OF THE ENVIRONMENT & SUSTAINABILITY DEPARTMENT FOR THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Pursuant to the requirements of Article IV, Section 4.02 of the City Charter, it is recommended that the Mayor and City Commission adopt the attached resolution consenting and confirming Elizabeth Wheaton as the Director of the Environment & Sustainability Department for the City of Miami Beach.

ANALYSIS

Elizabeth holds a Masters in Marine Affairs and Policy from the University of Miami's prestigious Rosenstiel School of Marine and Atmospheric Science. After graduation, she worked as environmental consultant for the engineering firm ATC Associates. She began her career with the City of Miami Beach's Environmental Division in 2008. She has continued to seek professional growth and has become both a Leadership Energy and Environmental Design Building Design and Construction (LEED BD+C) Accredited Professional and a certified planner with the American Institute of Certified Planners (AICP). In her eight years with the City, Elizabeth's leadership has strengthened and expanded the City's environment and sustainability programs, as well as helped to position the City as a leader in climate change adaptation and mitigation. Through her initiative and vision, Elizabeth has helped the City of Miami Beach reach new heights in environmental sustainability.

Elizabeth Wheaton has been the Assistant Building Director since 2014 overseeing the Environmental and Sustainability Division. This division focuses on a broad variety of projects including: beach and dune management, design of the beachwalk system, coastal permitting, environmental compliance, education and outreach, ecosystem management, sustainability and urban forestry. Highlights of Elizabeth's tenure include creating the City's initial Sustainability Plan in 2011 that established a framework for internal sustainable initiatives and that will inform the new Resiliency Strategy currently being developed; creating the Comprehensive Dune Management Plan that focuses on an ecosystem based approach; and, establishing a routine community outreach program that through more than 65 events in FY 2014/15 reached more than 20,000 residents to inform them of the City's sustainability efforts including recycling and litter prevention. This past year, during the City's Centennial events, Elizabeth and her team helped to organize and execute a one day Community Resiliency Summit with more than 400 attendees. Distinguished speakers included Al Roker from NBC Today Show, Ken

Berlin, President and CEO at Al Gore's Climate Reality Project, as well as members of the business community and academia including representatives from the Harvard Graduate School of Design, University of Miami, and Florida International University.

Elizabeth has been instrumental in the development and implementation of the City's sea level rise and climate change initiatives. Under her leadership, the City is developing the *MB Rising Above* brand to highlight the City's holistic approach toward resiliency, which includes creating a logo, establishing a social media presence and launching the website www.mbrisingabove.com. The newly created Environment & Sustainability Department will continue to develop this program and will be the central clearinghouse for the City's comprehensive resiliency efforts.

Since 2012, Elizabeth has represented the City of Miami Beach on the staff steering committee of the Southeast Florida Regional Climate Compact, which is working to develop policies to mitigate the causes of climate change and adapt to its anticipated consequences. As the staff steering committee member, Elizabeth has led the formation of Miami-Dade County's Municipal Working Group to connect neighboring municipalities to regional climate change mitigation and adaptation planning efforts. In 2014, the Compact held their 6th Annual Summit in Miami Beach. The 2.5 day conference featured top speakers from around the world and drew a record number of attendees, further accentuating the City's regional climate adaptation leadership.

Elizabeth also serves as the staff liaison for the City's partnership with Florida International University Sea Level Rise Working Group. This initiative has created eight sub-groups that are looking at the various challenges relating to climate change to promote a collaborative approach to finding viable solutions. In April 2015, together with FIU she organized and executed "The Rising Sea: A Sea Level Rise Teach-In". The event drew more than 50 attendees and on the day of the event 300+ watched via live stream or on MBTV. As part of this partnership, she will be representing the City at the Urban Resilience to Extremes Sustainability Research Network's (UREx SRN) All Hands Meeting in Phoenix later this month. The UREx SRN focuses on integrating social, ecological, and technical systems to support urban infrastructure decisions in the face of climate uncertainty.

Elizabeth has strong working relationships with local, state and national government agencies including Miami-Dade County Division of Economic Resources, Florida Department of Environmental Protection, and the National Oceanic and Atmospheric Association. These connections keep projects on schedule and ensure that the City's needs are met. For example, Elizabeth coordinates closely with U.S. Army Corps of Engineers to ensure continued re-nourishment of our beaches, including the next large-scale project slated to begin in the summer of 2016. She has also leveraged these connections in inter-agency collaborations that have resulted in innovative, nature-based solutions, such as the implementation of living shorelines in seawall projects.

Elizabeth has also nurtured strong relationships with the community. She serves as the staff liaison for internal and external committees and boards. Elizabeth supports the Sustainability & Resiliency Committee, Sustainability Committee, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise, and the Marine Authority and Waterfront Protection Committee. To solidify synergies between the business community and the City, Elizabeth serves as a member of the Miami Beach Chamber of Commerce Sustainability Business Council and the Greater Miami & the Beaches Hotel Association

Sustainability Hospitality Council. Through these engagement efforts programs such as the City's new anti-litter campaign will have greater dissemination communitywide.

As a long-time resident of Miami Beach, Elizabeth is dedicated to shaping the environmental sustainability of the community she calls home. In 2014, Elizabeth was selected as a member of the Class VIII Miami Fellow's leadership program with the Miami Foundation. The Miami Fellows program is designed to engage a new generation of leaders in building a Greater Miami. Elizabeth's leadership capacity and commitment to Miami Beach and the larger community benefit the residents, businesses and visitors and drive the enhancement of our City's natural resources and long term holistic resiliency.

CONCLUSION

Her appointment as Director will ensure that the newly established Environment & Sustainability Department supports the overall resiliency efforts of the City of Miami Beach. I am pleased and proud to elevate the division to full department status and to recognize and promote Elizabeth Wheaton as its first director.

Pursuant to the requirements of Article IV, Section 4.02, of the City Charter, it is recommended that the Mayor and City Commission adopt the resolution consenting and confirming Elizabeth Wheaton as the Director of the Environment & Sustainability Department for the City of Miami Beach.

SC-T/JMT/SMT/ESW

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO THE APPOINTMENT OF ELIZABETH WHEATON AS DIRECTOR OF THE ENVIRONMENT AND SUSTAINABILITY DEPARTMENT FOR THE CITY OF MIAMI BEACH.

WHEREAS, Elizabeth Wheaton has proven to possess the education, leadership, and visionary skills needed to lead the City's Environment and Sustainability Department; and

WHEREAS, the City Manager has appointed Elizabeth Wheaton as the Director of the Environment and Sustainability Department of the City of Miami Beach; and

WHEREAS, pursuant to Article IV, Section 4.02, of the City of Miami Beach Charter, the City Manager has power to appoint directors of the City departments with the consent of the Mayor and the City Commission; and

WHEREAS, the Mayor and the City Commission wish to consent to and confirm the appointment of Elizabeth Wheaton as the Director of the Environment and Sustainability Department for the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby consent to and confirm the appointment of Elizabeth Wheaton as the Director of the Environment and Sustainability Department for the City of Miami Beach.

PASSED and **ADOPTED** this 10th day of February, 2016.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

R. E. Granado 2-2-16
City Attorney Date

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Condensed Title:

A Resolution of the Mayor and City Commission authorizing the City Manager to issue an RFP for eligible public service, housing, and capital activities to be funded from the City of Miami Beach FY 2016/2017 entitlement allocations from the U.S. Department of Housing & Urban Development (HUD).

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

As an entitlement community, the City receives an annual allocation of HUD funding. HUD requires the City (and all participating jurisdictions) to submit a *Five-Year Consolidated Plan* establishing the strategic framework upon which the City will utilize funds. The *Consolidated Plan* is refined each year through the required submission of the *One-Year Action Plan* which specifically defines the projects and activities funded by that year's HUD allocation. Historically, the City's CDBG funds have been used for public services, housing, code enforcement, and public facilities improvements; while HOME funds have been used for affordable rental housing and first-time homeownership.

The City must submit its *FY 2016/2017 One-Year Action Plan* for HUD's approval by August 17, 2016. As such, it is necessary to begin the screening process for proposed activities. The process includes: release of the RFP; review by staff to determine complete/eligible RFP submissions; evaluation/scoring/recommendations by the Affordable Housing Advisory Committee (AHAC); review of AHAC recommendations with the Administration; 30-day Comment Period to receive public input; City Commission approval; and, finally, submission to HUD.

FY 2016/2017 funding allocations have not been announced by HUD. However, based on the HUD-imposed timeline for preparation and submission of the *Action Plan*, the Administration recommends authorizing the City Manager to issue the attached Requests for Proposals (RFPs) for eligible activities to be funded from the City's FY 2016/2017 entitlement allocations from HUD. Based on current projections, the RFPs will be issued with a 5% reduction from actual FY 2015/2016 allocations. The RFPs will be issued with a qualification that the award of funds is subject to the actual HUD funding allocations.

Advisory Board Recommendation:

N/A

Financial Information:



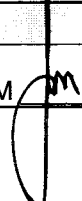
Source of Funds:		Amount	Account
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	2		
	3		
	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Maria L. Ruiz/Housing & Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR 	KGB 	JLM 



MIAMIBEACH



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR ELIGIBLE PUBLIC SERVICES, HOUSING, AND CAPITAL ACTIVITIES TO BE FUNDED FROM THE CITY OF MIAMI BEACH FISCAL YEAR 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) ENTITLEMENT ALLOCATIONS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

ADMINISTRATION RECOMMENDATION

Adopt the resolution.

BACKGROUND

The City of Miami Beach is a U.S. Housing and Urban Development (HUD)-designated entitlement community as determined by the decennial census information on population growth lag, age of housing stock, and poverty. The City was designated a Community Development Block Grant (CDBG) Program entitlement jurisdiction in 1975, and has been receiving HOME Investment Partnerships (HOME) Program funds since the program's inception in 1992. While the CDBG Program provides funding for public services, housing, and capital projects; the HOME Program provides funding specifically designated for affordable housing to strengthen public/private housing partnerships and expand the supply of decent, safe, sanitary, and affordable housing for low- and moderate-income individuals and families.

As an entitlement community, the City receives an annual allocation of HUD funding. To receive the funds, HUD requires the City (and all participating jurisdictions) to submit a *Five-Year Consolidated Plan* which establishes the strategic framework upon which the jurisdiction will utilize its funds. The *Consolidated Plan* is refined each year through the required submission of the *One-Year Action Plan* which specifically defines the projects and activities funded by that year's HUD allocation. Historically, the City's CDBG funds have been used for public services, housing, and public facilities improvements; while HOME funds have been used for affordable rental housing and first-time homeownership.

ANALYSIS

The City must submit the *FY 2016/2017 One-Year Action Plan* to HUD for its approval by August 17, 2016. To allow enough time to complete the development process of the *Action*

Plan, it is necessary to begin the proposal screening process as soon as possible. The process includes the following steps:

- Release of Request for Proposals(RFP) for 30-days
- Initial RFP review by staff to determine complete/eligible submissions
- Evaluation/Scoring/Recommendations by the Affordable Housing Advisory Committee(AHAC)
- Review of AHAC recommendations with the Administration
- 30-day Comment Period to receive public input
- City Commission approval
- Submission to HUD

The City has not yet been notified of the amount of funding that it will receive for FY 2016/2017. HUD will nonetheless hold the City to the required timeline for completion and submission of the *Action Plan*. Therefore, staff is proposing the issuance of the CDBG and HOME RFPs indicating estimated funds available and a qualifying statement that the award of funds is subject to the actual allocations of HUD.

For FY 2015/2016, the HUD allocations were \$905,563 and \$411,964 for CDBG and HOME, respectively. Based on the current trend toward funding reductions in HUD programs, staff is recommending release of the RFPs with five percent (5%) reductions in the amount of funds available. This would mean available funds of \$860,285 for CDBG and \$391,366 for HOME.

Last year, the City set aside funds for specified internally-managed activities (i.e. emergency rent, utility and food assistance and needed repairs at its recently acquired residential properties). These funds were excluded from consideration for competitive award. The Administration seeks to continue this practice and include the necessary funding to provide emergency rent and utility assistance, continuation of the grocery delivery program for food insecure households and needed repairs at City-owned residential properties.

CONCLUSION

The Administration recommends authorizing the City Manager to issue the attached Requests for Proposals (RFPs) for eligible activities to be funded from the City's FY 2016/2017 CDBG and HOME entitlement allocations from the U.S. Department of Housing and Urban Development (HUD).


JLM/KCB/MLR

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR ELIGIBLE PUBLIC SERVICE, HOUSING, AND CAPITAL ACTIVITIES TO BE FUNDED FROM THE CITY OF MIAMI BEACH FISCAL YEAR 2016/2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) ENTITLEMENT ALLOCATIONS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

WHEREAS, the City is an entitlement recipient of HUD formula grant programs as follows: Community Development Block Grant (CDBG) funds and HOME Investment Partnerships (HOME) funds; and

WHEREAS, CDBG funds are used to provide vital public services, housing activities, code enforcement, and improvements to public facilities and HOME funds are used for affordable housing activities, including multi-family rentals and first-time homeownership; and

WHEREAS, the City expects to continue to receive entitlement funds from these grant programs to operate the City's housing and community development activities; and

WHEREAS, the City will issue a Request for Proposals (RFP) for the FY 2016/2017 CDBG funds and the FY 2016/2017 HOME funds to ensure compliance with the HUD rules and regulations; and

WHEREAS, the City will prepare and submit to HUD an Annual Action Plan, approved by the City Commission, based on activities that the City wishes to fund from the FY 2016/2017 entitlement allocations; and

WHEREAS, the Annual Action Plan for Federal funds is a requirement under the HUD formula grant programs, which include the CDBG and HOME Programs; and

WHEREAS, the City Manager is the designated agent for all HUD formula grants, and executes the grant applications, grant agreements, and other applicable HUD documents on behalf of the City.

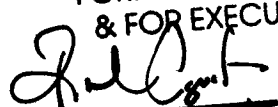
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the City Manager to issue a Request for Proposals (RFP) for eligible public service, housing, and capital activities to be funded from the City of Miami Beach fiscal year 2016/2017 Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) entitlement allocations from the U.S. Department of Housing and Urban Development (HUD).

PASSED AND ADOPTED this _____ day of _____ 2016.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney
1-14-16

Date



MIAMI BEACH

City of Miami Beach Request for Proposals (RFP)

FY 16/17 Community Development Block Grant (CDBG) Funds

**Deadline for Submissions:
Friday, March 11, 2016 at 3:00pm**

Applications must be received by 3:00pm on Friday, March 11, 2016. Any application received after that time will not be considered. The responsibility for submitting applications on or before the stated time and date is solely the responsibility of the Applicant. The City will not be responsible for delays caused by mail, courier services or any other entity or occurrence.

City of Miami Beach
Office of Housing & Community Services
555 -17th Street
Miami Beach, Florida 33139

Telephone: 305-673-7260
Website: www.miamibeachfl.gov

Fax: 305-604-2421
Email: mariarui@miamicityfl.gov

City of Miami Beach/
Housing and Community Services



MIAMI BEACH

Mayor & Members of the City Commission:

Philip Levine, Mayor
John Elizabeth Aleman, Commissioner
Ricky Arriola, Commissioner
Michael Grieco, Commissioner
Kristen Rosen Gonzalez, Commissioner
Joy Malakoff, Commissioner
Micky Steinberg, Commissioner

City Administration:

Jimmy L. Morales, City Manager
Kathie G. Brooks, Assistant City Manager
Eric Carpenter, Assistant City Manager Erica
Mark Taxis, Assistant City Manager
Susy Torriente, Assistant City Manager

Housing & Community Development Staff:

Maria L. Ruiz, Director
A. Richard Bowman, HOME Coordinator
Tatiana Escobar, CDBG Coordinator
Alice Waters, Financial Analyst
Omar Barrera, Office Associate V
Gianina Ghirardi, Office Associate III

"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

Our Vision

The City of Miami Beach will be:

- Cleaner and Safer;
- More Beautiful and Vibrant;
- A Mature, Stable Residential Community with Well-improved Infrastructure;
- A Unique Urban and Historic Environment;
- A Cultural, Entertainment, Tourism Capital; and
- An International Center for Innovation in Culture, Recreation and Business.

Our Values

- We maintain the City of Miami Beach as a world-class city.
- We work as a cooperative team of well-trained professionals.
- We serve the public with dignity and respect.
- We conduct the business of the City with honesty, integrity, and dedication.
- We are ambassadors of good will to our residents, visitors, and the business community.

Notice of Funding Availability (1 of 1)

The City of Miami Beach is an entitlement grantee of federal funds. It receives an annual allocation of funding for the HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) from the United States Department of Housing and Urban Development (HUD). The City is entitled to these funds because its population, housing and/or demographic characteristics meet the formula requirements needed to obtain funding.

HUD requires the City complete a five-year Consolidated Plan that includes a housing assessment, market analysis and assessment of community development needs. The Consolidated Plan is meant to address the needs of low- and moderate-income persons and families, including homeless individuals. The Plan establishes the City's program priorities, goals and objectives for community development programs and sets the framework for subsequent One Year Action Planes that describe specific activities that will be funded through the City's HUD-funded grant programs.

As an entitlement grantee, the City develops its own programs and funding priorities. However, it must give maximum feasible priority to activities which:

- Benefit low- and moderate-income persons and households;
- Aid in the prevention or elimination of slums and blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community. Urgent needs are defined as those which have no other financial resources available.

The City of Miami Beach is projecting the following FY 2015/16 funds subject to the availability and allocation by HUD:

CDBG Funds (estimated)		
CDBG Entitlement	\$	844,387
City Administration (20%)	\$	168,877
Public Services Cap (15%)	\$	126,658

The City obtained authorization from the Mayor and City Commission on February 10, 2016 to issue the attached Request For Proposals (RFP) to solicit eligible affordable housing, capital and public service projects within the City.

Here is the timeline of events for this RFP:

Date	Event/Expected Outcome
February 10, 2016	Authorization from the Mayor & Commission to issue RFP
February 15, 2016	RFP Issued
February 22, 2016	Applicant conference to address RFP questions convened - Attendance is Mandatory
February 29, 2016	Last day for written questions
March 11, 2016	Deadline for receipt of RFP applications (3pm)
March 14 - 25, 2016	Staff review of applications
April 19, 2016	Meeting of Affordable Housing Advisory Committee to review applications and make funding recommendations to the Mayor and Commission
May 5, 2016	Commence 30-Day Comment Period
June 8, 2016	Submit funding recommendations to Mayor & Commission for award

Priorities

In order to guide outside agencies that are seeking funding, establish parameters for the project selection process and enable success in project implementation, the following broadly defined priorities and operational imperatives have been established in the City's FY 2013-17 Consolidated Plan and summarized for purposes of this RFP as:

- Affordable housing and compliance with Equal Opportunity and Fair Housing Laws in the City of Miami Beach
- Minimize displacement, promote job creation/retention, ensure adequate benefits, encourage private development, and provide planning and administrative support.
- Revitalize neighborhoods, remove architectural barriers, eliminate slum and blighted conditions, and encourage the preservation of historic structures.

Operational Imperatives

In order to ensure accountability and the judicious use of finite, public resources, the following operational imperatives have been established in the Five-Year Consolidated Plan and City processes:

- Recipient organizations must have acceptable past and/or current performance on similar projects.
- As this is a reimbursable grant, recipient organizations must have the fiscal capacity to undertake the proposed project.
- Activities will not be funded unless the organization has developed realistic cost estimates and timelines, and demonstrated past financial stability (as evidenced in its past two agency fiscal audits).
- Agency must demonstrate that the use of awarded City funds will ensure the required funding for the proposed project, i.e. City funds are the last needed to complete the project.
- Organizations requesting funds from more than one agency will be required to submit a Subsidy Layering Review which includes a certified Sources and Uses Summary
- Recipients will be expected to provide matching funds and/or otherwise participate in the cost of their proposed project
- Housing development and property improvement programs are expected to use quality, long-lasting methods and materials that require a minimum of maintenance or upkeep and provide a Physical Needs Assessment for the proposed project
- The cost of providing housing or services will be considered in evaluating applications and must meet HUD guidelines
- Recipients must adhere to HUD and City guidelines for procurement of goods and services including professional services.
- Funded activities must meet a National Objective within two years of funding award.

Further priority is given to those established housing needs for which there is currently insufficient assistance including:

- 1 Acquisition for affordable rental housing and low-and moderate-income first-time homebuyers
- 2 Multi-family Housing rehabilitation

Priority will be given to projects that serve the North Beach area (33141) or predominantly serve residents of this area.

In addition, the City will prioritize awards to those projects that align with its Key Intended Outcomes (KIO) as defined in its current *Strategic Plan*. The City's KIOs can be found in its own tab within this workbook.

Eligible Activities/ Priority Needs

The City's current Consolidated Plan was adopted July 17, 2013. This Five-Year Plan encompasses housing and non-housing community development activities, resources and projects to be undertaken to address the identified community needs for the fiscal years of 2013/14 through 2017/18. The Plan also includes a prioritization of needs as listed below:

Public Facilities and Improvements

Senior centers

Flood Drainage Improvements

Operating Cost of Homeless Programs

Public Services

Youth Services

Senior Services

Childcare Services

Homeless Services

Services for people with HIV/AIDS

Housing

Construction of Housing

Homeownership Assistance

Energy Efficiency Improvements

Rehabilitation: Multi-unit Residential

Code Enforcement

Economic Development

Eligible Activities/ Priority Needs (Housing Needs - Page 1 of 2)

Housing Needs in Miami Beach (Source: Carras Community Investment based on data from the 2000 U.S. Census, Claritas, Inc. and the U.S. HUD Comprehensive Housing Affordability Strategy (CHAS).

	Housing Need	Renter	Owner	Total
<i>Extremely Low-Income Households</i>				
Elderly Households	Households with any housing problems	65%	73%	67%
	With cost burden	65%	71%	66%
	With extreme cost burden	47%	56%	49%
Small Related (2-4 members households)	Households with any housing problems	87%	52%	83%
	With cost burden	76%	52%	73%
	With extreme cost burden	70%	46%	67%
Large Related (5 or more members households)	Households with any housing problems	100%	100%	100%
	With cost burden	80%	100%	81%
	With extreme cost burden	80%	100%	81%
Other Households	Households with any housing problems	59%	54%	58%
	With cost burden	55%	52%	54%
	With extreme cost burden	51%	50%	51%
Total Households	Households with any housing problems	68%	65%	68%
	With cost burden	64%	63%	64%
	With extreme cost burden	54%	54%	54%

Eligible Activities/ Priority Needs (Housing Needs - Page 2 of 2)

	Housing Need	Renter	Owner	Total
Very Low-Income Households				
Elderly Households	Households with any housing problems	74%	77%	75%
	With cost burden	70%	72%	70%
	With extreme cost burden	40%	44%	42%
Small Related (2-4 members households)	Households with any housing problems	97%	98%	97%
	With cost burden	92%	84%	91%
	With extreme cost burden	50%	68%	53%
Large Related (5 or more members households)	Households with any housing problems	93%	100%	93%
	With cost burden	86%	100%	86%
	With extreme cost burden	36%	100%	38%
Other Households	Households with any housing problems	98%	68%	95%
	With cost burden	97%	68%	94%
	With extreme cost burden	71%	59%	69%
Total Households	Households with any housing problems	90%	79%	87%
	With cost burden	86%	73%	84%
	With extreme cost burden	55%	51%	54%
Low-Income Households				
Elderly Households	Households with any housing problems	76%	54%	65%
	With cost burden	67%	48%	57%
	With extreme cost burden	17%	22%	19%
Small Related (2-4 members households)	Households with any housing problems	83%	92%	85%
	With cost burden	56%	82%	60%
	With extreme cost burden	13%	40%	17%
Large Related (5 or more members households)	Households with any housing problems	100%	100%	100%
	With cost burden	67%	100%	68%
	With extreme cost burden	12%	29%	13%
Other Households	Households with any housing problems	82%	74%	81%
	With cost burden	77%	74%	77%
	With extreme cost burden	19%	47%	24%
Total Households	Households with any housing problems	82%	66%	78%
	With cost burden	67%	61%	66%
	With extreme cost burden	16%	31%	20%

Eligible Activities/HUD Guidelines (Page 1 of 1)

§ 570.201 Basic eligible activities.

CDBG funds may be used for the following activities:

(a) Acquisition. Acquisition in whole or in part by the recipient, or other public or private nonprofit entity, by purchase, long-term lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of §570.207.

(b) Disposition. Disposition, through sale, lease, donation, or otherwise, of any real property acquired with CDBG funds or its retention for public purposes, including reasonable costs of temporarily managing such property or property acquired under urban renewal, provided that the proceeds from any such disposition shall be program income subject to the requirements set forth in §570.504.

(c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in §570.207(a), carried out by the recipient or other public or private nonprofit entities. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in §570.207(a)(1).) In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as

decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in §570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients including those specified in §570.204 may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in §570.200(b).

(d) Clearance and remediation activities. Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. Demolition of HUD-assisted or HUD-owned housing units may be undertaken only with the prior approval of HUD. Remediation may include project-specific environmental assessment costs not otherwise eligible under §570.205.

(e) Public services. Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under §570.207(b)(4)), homebuyer down payment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the State in which it is located) in the 12 calendar months before the submission of the action plan. (An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the unit of general local government.) The amount of CDBG funds used for public services shall not exceed paragraphs (e) (1) or (2) of this section, as applicable:

Eligible Activities/HUD Guidelines (Public Services - Page 1 of 2)

(1) The amount of CDBG funds used for public services shall not exceed 15 percent of each grant, except that for entitlement grants made under subpart D of this part, the amount shall not exceed 15 percent of the grant plus 15 percent of program income, as defined in §570.500(a). For entitlement grants under subpart D of this part, compliance is based on limiting the amount of CDBG funds obligated for public service activities in each program year to an amount no greater than 15 percent of the entitlement grant made for that program year plus 15 percent of the program income received during the grantee's immediately preceding program year.

(2) A recipient which obligated more CDBG funds for public services than 15 percent of its grant funded from Federal fiscal year 1982 or 1983 appropriations (excluding program income and any assistance received under Public Law 98-8), may obligate more CDBG funds than allowable under paragraph (e)(1) of this section, so long as the total amount obligated in any program year does not exceed:

(i) For an entitlement grantee, 15% of the program income it received during the preceding program year; plus

(ii) A portion of the grant received for the program year which is the highest of the following amounts:

(A) The amount determined by applying the percentage of the grant it obligated for public services in the 1982 program year against the grant for its current program year;

(B) The amount determined by applying the percentage of the grant it obligated for public services in the 1983 program year against the grant for its current program year;

(C) The amount of funds it obligated for public services in the 1982 program year; or,

(D) The amount of funds it obligated for public services in the 1983 program year.

(f) Interim assistance. (1) The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as soon as practicable:

(i) The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings; and

(ii) The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in an area.

(2) In order to alleviate emergency conditions threatening the public health and safety in areas where the chief executive officer of the recipient determines that such an emergency condition exists and requires immediate resolution, CDBG funds may be used for:

(i) The activities specified in paragraph (f)(1) of this section, except for the repair of parks and playgrounds;

(ii) The clearance of streets, including snow removal and similar activities, and

(iii) The improvement of private properties.

(3) All activities authorized under paragraph (f)(2) of this section are limited to the extent necessary to alleviate emergency conditions.

(g) Payment of non-Federal share. Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities, provided, that such payment shall be limited to activities otherwise eligible and in compliance with applicable requirements under this subpart.

(h) Urban renewal completion. Payment of the cost of completing an urban renewal project funded under title I of the Housing Act of 1949 as amended. Further information regarding the eligibility of such costs is set forth in §570.801.

(i) Relocation. Relocation payments and other assistance for permanently and temporarily relocated individuals families, businesses, nonprofit organizations, and farm operations where the assistance is (1) required under the provisions of §570.606 (b) or (c); or (2) determined by the grantee to be appropriate under the provisions of §570.606(d).

(j) Loss of rental income. Payments to housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be used for the relocation of individuals and families displaced by program activities assisted under this part.

Eligible Activities/HUD Guidelines (Public Services - Page 2 of 2)

(k) Housing services. Housing services, as provided in section 105(a)(21) of the Act (42 U.S.C. 5305(a)(21)).

(l) Privately owned utilities. CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities, including the placing underground of new or existing distribution facilities and lines.

(m) Construction of housing. CDBG funds may be used for the construction of housing assisted under section 17 of the United States Housing Act of 1937.

(n) Homeownership assistance. CDBG funds may be used to provide direct homeownership assistance to low- or moderate-income households in accordance with section 105(a) of the Act.

(o)(1) The provision of assistance either through the recipient directly or through public and private organizations, agencies, and other subrecipients (including nonprofit and for-profit subrecipients) to facilitate economic development by:

(i) Providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support, for the establishment, stabilization, and expansion of microenterprises;

(ii) Providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and

(iii) Providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, to owners of microenterprises and persons developing microenterprises.

(2) Services provided this paragraph (o) shall not be subject to the restrictions on public services contained in paragraph (e) of this section.

(3) For purposes of this paragraph (o), "persons developing microenterprises" means such persons who have expressed interest and who are, or after an initial screening process are expected to be, actively working toward developing businesses, each of which is expected to be a microenterprise at the time it is formed.

(4) Assistance under this paragraph (o) may also include training, technical assistance, or other support services to increase the capacity of the recipient or subrecipient to carry out the activities under this paragraph (o).

(p) Technical assistance. Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities. (The recipient must determine, prior to the provision of the assistance, that the activity for which it is attempting to build capacity would be eligible for assistance under this subpart C, and that the national objective claimed by the grantee for this assistance can reasonably be expected to be met once the entity has received the technical assistance and undertakes the activity.) Capacity building for private or public entities (including grantees) for other purposes may be eligible under §570.205.

(q) Assistance to institutions of higher education. Provision of assistance by the recipient to institutions of higher education when the grantee determines that such an institution has demonstrated a capacity to carry out eligible activities under this subpart C.

[53 FR 34439, Sept. 6, 1988, as amended at 53 FR 31239, Aug. 17, 1988; 55 FR 29308, July 18, 1990; 57 FR 27119, June 17, 1992; 60 FR 1943, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 61 FR 18674, Apr. 29, 1996; 65 FR 70215, Nov. 21, 2000; 67 FR 47213, July 17, 2002; 71 FR 30034, May 24, 2006]

Eligible Activities/HUD Guidelines (Rehabilitation & Preservation Activities - Page 1 of 2)

§ 570.202 Eligible rehabilitation and preservation activities.

(a) Types of buildings and improvements eligible for rehabilitation assistance. CDBG funds may be used to finance the rehabilitation of:

- (1) Privately owned buildings and improvements for residential purposes; improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building, if the improvements also provide general benefit to the residential occupants of the building;
- (2) Low-income public housing and other publicly owned residential buildings and improvements;
- (3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvement to the exterior of the building, abatement of asbestos hazards, lead-based paint hazard evaluation and reduction, and the correction of code violations;
- (4) Nonprofit-owned nonresidential buildings and improvements not eligible under §570.201(c); and
- (5) Manufactured housing when such housing constitutes part of the community's permanent housing stock.

(b) Types of assistance. CDBG funds may be used to finance the following types of rehabilitation activities, and related costs, either singly, or in combination, through the use of grants, loans, loan guarantees, interest supplements, or other means for buildings and improvements described in paragraph (a) of this section, except that rehabilitation of commercial or industrial buildings is limited as described in paragraph (a)(3) of this section.

- (1) Assistance to private individuals and entities, including profit making and nonprofit organizations, to acquire for the purpose of rehabilitation, and to rehabilitate properties, for use or resale for residential purposes;
- (2) Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancement of existing structures and improvements, abatement of asbestos hazards (and other contaminants) in buildings and improvements that may be undertaken singly, or in combination;
- (3) Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds if such financing is determined by the recipient to be necessary or appropriate to achieve the locality's community development objectives;
- (4) Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;
- (5) Improvements to increase the efficient use of water through such means as water savings faucets and shower heads and repair of water leaks;
- (6) Connection of residential structures to water distribution lines or local sewer collection lines;
- (7) For rehabilitation carried out with CDBG funds, costs of:
 - (i) Initial homeowner warranty premiums;
 - (ii) Hazard insurance premiums, except where assistance is provided in the form of a grant; and
 - (iii) Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to §570.605.
- (8) Costs of acquiring tools to be lent to owners, tenants, and others who will use such tools to carry out rehabilitation;
- (9) Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, under section 810 of the Act, or under section 17 of the United States Housing Act of 1937;

Eligible Activities/HUD Guidelines (Rehabilitation & Preservation Activities - Page 2 of 2)

- (10) Assistance for the rehabilitation of housing under section 17 of the United States Housing Act of 1937; and
- (11) Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to buildings and improvements eligible for assistance under paragraph (a) of this section.
- (c) Code enforcement. Costs incurred for inspection for code violations and enforcement of codes (e.g., salaries and related expenses of code enforcement

inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.

(d) Historic preservation. CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance. Historic preservation, however, is not authorized for buildings for the general conduct of government.

(e) Renovation of closed buildings. CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility or to rehabilitate such buildings for housing.

(f) Lead-based paint activities. Lead-based paint activities pursuant to §570.608.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 64 FR 50225, Sept. 15, 1999; 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Special Economic Activities - Page 1 of 1)

§ 570.203 Special economic development activities.

A recipient may use CDBG funds for special economic development activities in addition to other activities authorized in this subpart that may be carried out as part of an economic development project. Guidelines for selecting activities to assist under this paragraph are provided at §570.209. The recipient must ensure that the appropriate level of public benefit will be derived pursuant to those guidelines before obligating funds under this authority. Special activities authorized under this section do not include assistance for the construction of new housing. Activities eligible under this section may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination. Special economic development activities include:

(a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. Such activities may be carried out by the recipient or public or private nonprofit subrecipients.

(b) The provision of assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project, excluding those described as ineligible in §570.207(a). In selecting businesses to assist under this authority, the recipient shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods.

(c) Economic development services in connection with activities eligible under this section, including, but not limited to, outreach efforts to market available forms of assistance; screening of applicants; reviewing and underwriting applications for assistance; preparation of all necessary agreements; management of assisted activities; and the screening, referral, and placement of applicants for employment opportunities generated by CDBG-eligible economic development activities, including the costs of providing necessary training for persons filling those positions.

[53 FR 34439, Sept. 6, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Special Activities by CBDOs - Page 1 of 2)

§ 570.204 Special activities by Community-Based Development Organizations (CBDOs).

(a) Eligible activities. The recipient may provide CDBG funds as grants or loans to any CBDO qualified under this section to carry out a neighborhood revitalization, community economic development, or energy conservation project. The funded project activities may include those listed as eligible under this subpart, and, except as described in paragraph (b) of this section, activities not otherwise listed as eligible under this subpart. For purposes of qualifying as a project under paragraphs (a)(1), (a)(2), and (a)(3) of this section, the funded activity or activities may be considered either alone or in concert with other project activities either being carried out or for which funding has been committed. For purposes of this section:

(1) Neighborhood revitalization project includes activities of sufficient size and scope to have an impact on the decline of a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation; or the entire jurisdiction of a unit of general local government which is under 25,000 population;

(2) Community economic development project includes activities that increase economic opportunity, principally for persons of low- and moderate-income, or that stimulate or retain businesses or permanent jobs, including projects that include one or more such activities that are clearly needed to address a lack of affordable housing accessible to existing or planned jobs and those activities specified at 24 CFR 91.1(a)(1)(iii); activities under this paragraph may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination;

(3) Energy conservation project includes activities that address energy conservation, principally for the benefit of the residents of the recipient's jurisdiction; and

(4) To carry out a project means that the CBDO undertakes the funded activities directly or through contract with an entity other than the grantee, or through the provision of financial assistance for activities in which it retains a direct and controlling involvement and responsibilities.

(b) Ineligible activities. Notwithstanding that CBDOs may carry out activities that are not otherwise eligible under this subpart, this section does not authorize:

(1) Carrying out an activity described as ineligible in §570.207(a);

(2) Carrying out public services that do not meet the requirements of §570.201(e), except that:

(i) Services carried out under this section that are specifically designed to increase economic opportunities through job training and placement and other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services; and

ii) Services of any type carried out under this section pursuant to a strategy approved by HUD under the provisions of 24 CFR 91.215(e) shall not be subject to the limitations in §570.201(e)(1) or (2), as applicable;

(3) Providing assistance to activities that would otherwise be eligible under §570.203 that do not meet the requirements of §570.209; or

(4) Carrying out an activity that would otherwise be eligible under §570.205 or §570.206, but that would result in the recipient's exceeding the spending limitation in §570.200(g).

(c) Eligible CBDOs. (1) A CBDO qualifying under this section is an organization which has the following characteristics:

(i) Is an association or corporation organized under State or local law to engage in community development activities (which may include housing and economic development activities) primarily within an identified geographic area of operation within the jurisdiction of the recipient, or in the case of an urban county, the jurisdiction of the county; and

(ii) Has as its primary purpose the improvement of the physical, economic or social environment of its geographic area of operation by addressing one or more critical problems of the area, with particular attention to the needs of persons of low and moderate income; and

Eligible Activities/HUD Guidelines (Special Activities by CBDOs - Page 2 of 2)

- (iii) May be either non-profit or for-profit, provided any monetary profits to its shareholders or members must be only incidental to its operations; and
 - (iv) Maintains at least 51 percent of its governing body's membership for low- and moderate-income residents of its geographic area of operation, owners or senior officers of private establishments and other institutions located in and serving its geographic area of operation, or representatives of low- and moderate-income neighborhood organizations located in its geographic area of operation; and
 - (v) Is not an agency or instrumentality of the recipient and does not permit more than one-third of the membership of its governing body to be appointed by, or to consist of, elected or other public officials or employees or officials of an ineligible entity (even though such persons may be otherwise qualified under paragraph (c)(1)(iv) of this section); and
 - (vi) Except as otherwise authorized in paragraph (c)(1)(v) of this section, requires the members of its governing body to be nominated and approved by the general membership of the organization, or by its permanent governing body; and
 - (vii) Is not subject to requirements under which its assets revert to the recipient upon dissolution; and
 - (viii) Is free to contract for goods and services from vendors of its own choosing.
- (2) A CBDO that does not meet the criteria in paragraph (c)(1) of this section may also qualify as an eligible entity under this section if it meets one of the following requirements:
- (i) Is an entity organized pursuant to section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit making; or
 - (ii) Is an SBA approved Section 501 State Development Company or Section 502 Local Development Company, or an SBA Certified Section 503 Company under the Small Business Investment Act of 1958, as amended; or
 - (iii) Is a Community Housing Development Organization (CHDO) under 24 CFR 92.2, designated as a CHDO by the HOME Investment Partnerships program participating jurisdiction, with a geographic area of operation of no more than one neighborhood, and has received HOME funds under 24 CFR 92.300 or is expected to receive HOME funds as described in and documented in accordance with 24 CFR 92.300(e).
- (3) A CBDO that does not qualify under paragraph (c)(1) or (2) of this section may also be determined to qualify as an eligible entity under this section if the recipient demonstrates to the satisfaction of HUD, through the provision of information regarding the organization's charter and by-laws, that the organization is sufficiently similar in purpose, function, and scope to those entities qualifying under paragraph (c)(1) or (2) of this section.
- [60 FR 1944, Jan. 5, 1995, as amended at 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Planning, Etc. - Page 1 of 1)

§ 570.205 Eligible planning, urban environmental design and policy-planning-management-capacity building activities.

(a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to:

- (1) Comprehensive plans;
- (2) Community development plans;
- (3) Functional plans, in areas such as:
 - (i) Housing, including the development of a consolidated plan;
 - (ii) Land use and urban environmental design;
 - (iii) Economic development;
 - (iv) Open space and recreation;
 - (v) Energy use and conservation;
 - (vi) Floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;
 - (vii) Transportation;
 - (viii) Utilities; and
 - (ix) Historic preservation.
- (4) Other plans and studies such as:
 - (i) Small area and neighborhood plans;
 - (ii) Capital improvements programs;
 - (iii) Individual project plans (but excluding engineering and design costs related to a specific activity which are eligible as part of the cost of such activity under §§570.201–570.204);
 - (iv) The reasonable costs of general environmental, urban environmental design and historic preservation studies; and general environmental assessment- and remediation-oriented planning related to properties with known or suspected environmental contamination. However, costs necessary to comply with 24 CFR part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this part, are eligible as part of the cost of such activities under §§570.201–570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of §570.200(g);
 - (v) Strategies and action programs to implement plans, including the development of codes, ordinances and regulations;
 - (vi) Support of clearinghouse functions, such as those specified in Executive Order 12372; and
 - (vii) Analysis of impediments to fair housing choice.
 - (viii) Developing an inventory of properties with known or suspected environmental contamination.
- (6) Policy—planning—management—capacity building activities which will enable the recipient to:
 - (1) Determine its needs;
 - (2) Set long-term goals and short-term objectives, including those related to urban environmental design;
 - (3) Devise programs and activities to meet these goals and objectives;
 - (4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and
 - (5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

[53 FR 34439, Sept. 6, 1988, as amended at 56 FR 56127, Oct. 31, 1991; 60 FR 1915, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Program Admin - Page 1 of 2)

§ 570.206 Program administrative costs.

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with funds provided under this part and, where applicable, housing activities (described in paragraph (g) of this section) covered in the recipient's housing assistance plan. This does not include staff and overhead costs directly related to carrying out activities eligible under §570.201 through §570.204, since those costs are eligible as part of such activities.

(a) General management, oversight and coordination. Reasonable costs of overall program management, coordination, monitoring, and evaluation. Such costs include, but are not necessarily limited to, necessary expenditures for the following:

(1) Salaries, wages, and related costs of the recipient's staff, the staff of local public agencies, or other staff engaged in program administration. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration assignments. The recipient may use only one of these methods during the program year (or the grant period for grants under subpart F). Program administration includes the following types of assignments:

- (i) Providing local officials and citizens with information about the program;
- (ii) Preparing program budgets and schedules, and amendments thereto;
- (iii) Developing systems for assuring compliance with program requirements;
- (iv) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;
- (v) Monitoring program activities for progress and compliance with program requirements;
- (vi) Preparing reports and other documents related to the program for submission to HUD;
- (vii) Coordinating the resolution of audit and monitoring findings;
- (viii) Evaluating program results against stated objectives; and
- (ix) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i) through (viii) of this section.

(2) Travel costs incurred for official business in carrying out the program;

(3) Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services; and

(4) Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.

(b) Public information. The provisions of information and other resources to residents and citizen organizations participating in the planning, implementation, or assessment of activities being assisted with CDBG funds.

(c) Fair housing activities. Provision of fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status or handicap, aware of the range of housing opportunities available to them; other fair housing enforcement, education, and outreach activities; and other activities designed to further the housing objective of avoiding undue concentrations of assisted persons in areas containing a high proportion of low and moderate income persons.

(d) [Reserved]

(e) Indirect costs. Indirect costs may be charged to the CDBG program under a cost allocation plan prepared in accordance with OMB Circular A–21, A–87, or A–122 as applicable.

Eligible Activities/HUD Guidelines (Program Admin - Page 2 of 2)

(f) Submission of applications for federal programs. Preparation of documents required for submission to HUD to receive funds under the CDBG and UDAG programs. In addition, CDBG funds may be used to prepare applications for other Federal programs where the recipient determines that such activities are necessary or appropriate to achieve its community development objectives.

(g) Administrative expenses to facilitate housing. CDBG funds may be used for necessary administrative expenses in planning or obtaining financing for housing as follows: for entitlement recipients, assistance authorized by this paragraph is limited to units which are identified in the recipient's HUD approved housing assistance plan; for HUD-administered small cities recipients, assistance authorized by the paragraph is limited to facilitating the purchase or occupancy of existing units which are to be occupied by low and moderate income households, or the construction of rental or owner units where at least 20 percent of the units in each project will be occupied at affordable rents/costs by low and moderate income persons. Examples of eligible actions are as follows:

- (1) The cost of conducting preliminary surveys and analysis of market needs;
- (2) Site and utility plans, narrative descriptions of the proposed construction, preliminary cost estimates, urban design documentation, and "sketch drawings," but excluding architectural, engineering, and other details ordinarily required for construction purposes, such as structural, electrical, plumbing, and mechanical details;
- (3) Reasonable costs associated with development of applications for mortgage and insured loan commitments, including commitment fees, and of applications and applications under the Section 8 Housing Assistance Payments Program pursuant to 24 CFR parts 880–883;
- (4) Fees associated with processing of applications for mortgage or insured loan commitments under programs including those administered by HUD, Farmers Home Administration (FHA), Federal National Mortgage Association (FNMA), and the Government National Mortgage Association (GNMA);
- (5) The cost of issuance and administration of mortgage revenue bonds used to finance the acquisition, rehabilitation or construction of housing, but excluding costs associated with the payment or guarantee of the principal or interest on such bonds; and
- (6) Special outreach activities which result in greater landlord participation in Section 8 Housing Assistance Payments Program-Existing Housing or similar programs for low and moderate income persons.

(h) Section 17 of the United States Housing Act of 1937. Reasonable costs equivalent to those described in paragraphs (a), (b), (e) and (f) of this section for overall program management of the Rental Rehabilitation and Housing Development programs authorized under section 17 of the United States Housing Act of 1937, whether or not such activities are otherwise assisted with funds provided under this part.

(i) Whether or not such activities are otherwise assisted by funds provided under this part, reasonable costs equivalent to those described in paragraphs (a), (b), (e), and (f) of this section for overall program management of:

- (1) A Federally designated Empowerment Zone or Enterprise Community; and
 - (2) The HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note).
- [53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 54 FR 37411, Sept. 8, 1989; 60 FR 56912, Nov. 9, 1995; 69 FR 32778, June 10, 2004]

Ineligible Activities/HUD Guidelines (Page 1 of 2)

§ 570.207 Ineligible activities.

The general rule is that any activity that is not authorized under the provisions of §§570.201–570.206 is ineligible to be assisted with CDBG funds. This section identifies specific activities that are ineligible and provides guidance in determining the eligibility of other activities frequently associated with housing and community development.

(a) The following activities may not be assisted with CDBG funds:

(1) Buildings or portions thereof, used for the general conduct of government as defined at §570.3(d) cannot be assisted with CDBG funds. This does not include, however, the removal of architectural barriers under §570.201(c) involving any such building. Also, where acquisition of real property includes an existing improvement which is to be used in the provision of a building for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible, provided such acquisition meets a national objective described in §570.208.

(2) General government expenses. Except as otherwise specifically authorized in this subpart or under OMB Circular A–87, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

(3) Political activities. CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally assisted with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided that all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.

(b) The following activities may not be assisted with CDBG funds unless authorized under provisions of §570.203 or as otherwise specifically noted herein or when carried out by an entity under the provisions of §570.204.

(1) Purchase of equipment. The purchase of equipment with CDBG funds is generally ineligible.

(i) Construction equipment. The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to OMB Circulars A–21, A–87 or A–122 as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible under §570.201(c).

(ii) Fire protection equipment. Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible under §570.201(c).

(iii) Furnishings and personal property. The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase or to pay depreciation or use allowances (in accordance with OMB Circular A–21, A–87 or A–122, as applicable) for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as fire fighting equipment, or when such items constitute all or part of a public service pursuant to §570.201(e).

(2) Operating and maintenance expenses. The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program. For example, the use of CDBG funds to pay the allocable costs of operating and maintaining a facility used in providing a public service would be eligible under §570.201(e), even if no other costs of providing such a service are assisted with such funds. Examples of ineligible operating and maintenance expenses are:

Ineligible Activities/HUD Guidelines (Page 2 of 2)

(i) Maintenance and repair of publicly owned streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with a disabilities, parking and other public facilities and improvements. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs; and

(ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.

(3) New housing construction. For the purpose of this paragraph, activities in support of the development of low or moderate income housing including clearance, site assemblage, provision of site improvements and provision of public improvements and certain housing pre-construction costs set forth in §570.206(g), are not considered as activities to subsidize or assist new residential construction. CDBG funds may not be used for the construction of new permanent residential structures or for any program to subsidize or assist such new construction, except:

(i) As provided under the last resort housing provisions set forth in 24 CFR part 42;

(ii) As authorized under §570.201(m) or (n);

(iii) When carried out by an entity pursuant to §570.204(a);

(4) Income payments. The general rule is that CDBG funds may not be used for income payments. For purposes of the CDBG program, "income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities, but excludes emergency grant payments made over a period of up to three consecutive months to the provider of such items or services on behalf of an individual or family.

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1945, Jan. 5, 1995; 60 FR 56912, Nov. 9, 1995; 65 FR 70215, Nov. 21, 2000]

Criteria for National Objectives/HUD Guidelines (Page 1 of 3)

§ 570.208 Criteria for national objectives.

The following criteria shall be used to determine whether a CDBG-assisted activity complies with one or more of the national objectives as required under §570.200(a)(2):

(a) Activities benefiting low- and moderate-income persons. Activities meeting the criteria in paragraph (a) (1), (2), (3), or (4) of this section as applicable, will be considered to benefit low and moderate income persons unless there is substantial evidence to the contrary. In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. (The recipient shall appropriately ensure that activities that meet these criteria do not benefit moderate income persons to the exclusion of low income persons.)

(1) Area benefit activities. (i) An activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion.

(ii) For metropolitan cities and urban counties, an activity that would otherwise qualify under §570.208(a)(1)(i), except that the area served contains less than 51 percent low- and moderate-income residents, will also be considered to meet the objective of benefiting low- and moderate-income persons where the proportion of such persons in the area is within the highest quartile of all areas in the recipient's jurisdiction in terms of the degree of concentration of such persons. This exception is inapplicable to non-entitlement CDBG grants in Hawaii. In applying this exception, HUD will determine the lowest proportion a recipient may use to qualify an area for this purpose, as follows:

(A) All census block groups in the recipient's jurisdiction shall be rank ordered from the block group of highest proportion of low and moderate income persons to the block group with the lowest. For urban counties, the rank ordering shall cover the entire area constituting the urban county and shall not be done separately for each participating unit of general local government.

(B) In any case where the total number of a recipient's block groups does not divide evenly by four, the block group which would be fractionally divided between the highest and second quartiles shall be considered to be part of the highest quartile.

(C) The proportion of low and moderate income persons in the last census block group in the highest quartile shall be identified. Any service area located within the recipient's jurisdiction and having a proportion of low and moderate income persons at or above this level shall be considered to be within the highest quartile.

(D) If block group data are not available for the entire jurisdiction, other data acceptable to the Secretary may be used in the above calculations.

(iii) An activity to develop, establish, and operate for up to two years after the establishment of, a uniform emergency telephone number system serving an area having less than the percentage of low- and moderate-income residents required under paragraph (a)(1)(i) of this section or (as applicable) paragraph (a)(1)(ii) of this section, provided the recipient obtains prior HUD approval. To obtain such approval, the recipient must:

(A) Demonstrate that the system will contribute significantly to the safety of the residents of the area. The request for approval must include a list of the emergency services that will participate in the emergency telephone number system;

Criteria for National Objectives/HUD Guidelines (Page 2 of 3)

(B) Submit information that serves as a basis for HUD to determine whether at least 51 percent of the use of the system will be by low- and moderate-income persons. As available, the recipient must provide information that identifies the total number of calls actually received over the preceding 12-month period for each of the emergency services to be covered by the emergency telephone number system and relates those calls to the geographic segment (expressed as nearly as possible in terms of census tracts, block numbering areas, block groups, or combinations thereof that are contained within the segment) of the service area from which the calls were generated. In analyzing this data to meet the requirements of this section, HUD will assume that the distribution of income among the callers generally reflects the income characteristics of the general population residing in the same geographic area where the callers reside. If HUD can conclude that the users have primarily consisted of low- and moderate-income persons, no further submission is needed by the recipient. If a recipient plans to make other submissions for this purpose, it may request that HUD review its planned methodology before expending the effort to acquire the information it expects to use to make its case;

(C) Demonstrate that other Federal funds received by the recipient are insufficient or unavailable for a uniform emergency telephone number system. For this purpose, the recipient must submit a statement explaining whether the lack of funds is due to the insufficiency of the amount of the available funds, restrictions on the use of such funds, or the prior commitment of funds by the recipient for other purposes; and

(D) Demonstrate that the percentage of the total costs of the system paid for by CDBG funds does not exceed the percentage of low- and moderate-income persons in the service area of the system. For this purpose, the recipient must include a description of the boundaries of the service area of the emergency telephone number system, the census divisions that fall within the boundaries of the service area (census tracts or block numbering areas), the total number of persons and the total number of low- and moderate-income persons within each census division, the percentage of low- and moderate-income persons within the service area, and the total cost of the system.

(iv) An activity for which the assistance to a public improvement that provides benefits to all the residents of an area is limited to paying special assessments (as defined in §570.200(c)) levied against residential properties owned and occupied by persons of low and moderate income.

(v) For purposes of determining qualification under this criterion, activities of the same type that serve different areas will be considered separately on the basis of their individual service area.

(vi) In determining whether there is a sufficiently large percentage of low- and moderate-income persons residing in the area served by an activity to qualify under paragraph (a)(1) (i), (ii), or (vii) of this section, the most recently available decennial census information must be used to the fullest extent feasible, together with the section 8 income limits that would have applied at the time the income information was collected by the Census Bureau. Recipients that believe that the census data does not reflect current relative income levels in an area, or where census boundaries do not coincide sufficiently well with the service area of an activity, may conduct (or have conducted) a current survey of the residents of the area to determine the percent of such persons that are low and moderate income. HUD will accept information obtained through such surveys, to be used in lieu of the decennial census data, where it determines that the survey was conducted in such a manner that the results meet standards of statistical reliability that are comparable to that of the decennial census data for areas of similar size. Where there is substantial evidence that provides a clear basis to believe that the use of the decennial census data would substantially overstate the proportion of persons residing there that are low and moderate income, HUD may require that the recipient rebut such evidence in order to demonstrate compliance with section 105(c)(2) of the Act.

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(vii) Activities meeting the requirements of paragraph (d)(5)(i) of this section may be considered to qualify under this paragraph, provided that the area covered by the strategy is either a Federally-designated Empowerment Zone or Enterprise Community or primarily residential and contains a percentage of low- and moderate-income residents that is no less than the percentage computed by HUD pursuant to paragraph (a)(1)(ii) of this section or 70 percent, whichever is less, but in no event less than 51 percent. Activities meeting the requirements of paragraph (d)(6)(i) of this section may also be considered to qualify under paragraph (a)(1) of this section.

(2) Limited clientele activities. (i) An activity which benefits a limited clientele, at least 51 percent of whom are low- or moderate-income persons. (The following kinds of activities may not qualify under paragraph (a)(2) of this section: activities, the benefits of which are available to all the residents of an area; activities involving the acquisition, construction or rehabilitation of property for housing; or activities where the benefit to low- and moderate-income persons to be considered is the creation or retention of jobs, except as provided in paragraph (a)(2)(iv) of this section.) To qualify under paragraph (a)(2) of this section, the activity must meet one of the following tests:

(A) Benefit a clientele who are generally presumed to be principally low and moderate income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low- and moderate-income: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled," homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or

(B) Require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit; or

(C) Have income eligibility requirements which limit the activity exclusively to low and moderate income persons; or

(D) Be of such nature and be in such location that it may be concluded that the activity's clientele will primarily be low and moderate income persons.

(ii) An activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled" will be presumed to qualify under this criterion if it is restricted, to the extent practicable, to the removal of such barriers by assisting:

(A) The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under paragraph (a)(1) of this section;

(B) The rehabilitation of a privately owned nonresidential building or improvement that does not qualify under paragraph (a)(1) or (4) of this section; or

(C) The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under paragraph (a)(3) of this section.

(iii) A microenterprise assistance activity carried out in accordance with the provisions of §570.201(o) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are low- and moderate-income persons. For purposes of this paragraph, persons determined to be low and moderate income may be presumed to continue to qualify as such for up to a three-year period.

(iv) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstance:

(A) In such cases where such training or provision of supportive services assists business(es), the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and

(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.

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§ 570.210 Prohibition on use of assistance for employment relocation activities.

(a) Prohibition. CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one LMA to another LMA if the relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs.

(b) Definitions. The following definitions apply to this section:

(1) Directly assist. Directly assist means the provision of CDBG funds for activities pursuant to:

(i) §570.203(b); or

(ii) §§570.201(a)—(d), 570.201(l), 570.203(a), or §570.204 when the grantee, subrecipient, or, in the case of an activity carried out pursuant to §570.204, a Community Based Development Organization (CDBO) enters into an agreement with a business to undertake one or more of these activities as a condition of the business relocating a facility, plant, or operation to the grantee's LMA. Provision of public facilities and indirect assistance that will provide benefit to multiple businesses does not fall under the definition of "directly assist," unless it includes the provision of infrastructure to aid a specific business that is the subject of an agreement with the specific assisted business.

(2) Labor market area (LMA). For metropolitan areas, an LMA is an area defined as such by the BLS. An LMA is an economically integrated geographic area within which individuals can live and find employment within a reasonable distance or can readily change employment without changing their place of residence. In addition, LMAs are nonoverlapping and geographically exhaustive. For metropolitan areas, grantees must use employment data, as defined by the BLS, for the LMA in which the affected business is currently located and from which current jobs may be lost. For non-metropolitan areas, an LMA is either an area defined by the BLS as an LMA, or a state may choose to combine non-metropolitan LMAs. States are required to define or reaffirm prior definitions of their LMAs on an annual basis and retain records to substantiate such areas prior to any business relocation that would be impacted by this rule. Metropolitan LMAs cannot be combined, nor can a non-metropolitan LMA be combined with a metropolitan LMA. For the HUD-administered Small Cities Program, each of the three participating counties in Hawaii will be considered to be its own LMA. Recipients of Fiscal Year 1999 Small Cities Program funding in New York will follow the requirements for State CDBG recipients.

(3) Operation. A business operation includes, but is not limited to, any equipment, employment opportunity, production capacity or product line of the business.

(4) Significant loss of jobs. (i) A loss of jobs is significant if: The number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent of the total number of persons in the labor force of that LMA; or in all cases, a loss of 500 or more jobs. Notwithstanding the aforementioned, a loss of 25 jobs or fewer does not constitute a significant loss of jobs.

(ii) A job is considered to be lost due to the provision of CDBG assistance if the job is relocated within three years of the provision of assistance to the business; or the time period within which jobs are to be created as specified by the agreement between the business and the recipient if it is longer than three years.

(c) Written agreement. Before directly assisting a business with CDBG funds, the recipient, subrecipient, or a CDBO (in the case of an activity carried out pursuant to §570.204) shall sign a written agreement with the assisted business. The written agreement shall include:

(1) Statement. A statement from the assisted business as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another, and, if so, the number of jobs that will be relocated from each LMA;

(2) Required information. If the assistance will not result in a relocation covered by this section, a certification from the assisted business that neither it, nor any of its subsidiaries, has plans to relocate jobs at the time the agreement is signed that would result in a significant job loss as defined in this rule; and

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(3) Reimbursement of assistance. The agreement shall provide for reimbursement of any assistance provided to, or expended on behalf of, the business in the event that assistance results in a relocation prohibited under this section.

(d) Assistance not covered by this section. This section does not apply to:

(1) Relocation assistance. Relocation assistance required by the Uniform Assistance and Real Property Acquisition Policies Act of 1970, (URA) (42 U.S.C. 4601–4655);

(2) Microenterprises. Assistance to microenterprises as defined by Section 102(a)(22) of the Housing and Community Development Act of 1974; and

(3) Arms-length transactions. Assistance to a business that purchases business equipment, inventory, or other physical assets in an arms-length transaction, including the assets of an existing business, provided that the purchase does not result in the relocation of the sellers' business operation (including customer base or list, goodwill, product lines, or trade names) from one LMA to another LMA and does not produce a significant loss of jobs in the LMA from which the relocation occurs.

[70 FR 76369, Dec. 23, 2005]

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Subpart D—Entitlement Grants

Source: 53 FR 34449, Sept. 6, 1988, unless otherwise noted.

§ 570.300 General.

This subpart describes the policies and procedures governing the making of community development block grants to entitlement communities and to non-entitlement counties in the State of Hawaii. The policies and procedures set forth in subparts A, C, J, K, and O of this part also apply to entitlement grantees and to non-entitlement grantees in the State of Hawaii. Sections 570.307 and 570.308 of this subpart do not apply to the Hawaii non-entitlement grantees.

[72 FR 46370, Aug. 17, 2007]

§ 570.301 Activity locations and float-funding.

The consolidated plan, action plan, and amendment submission requirements referred to in this section are those in 24 CFR part 91.

(a) For activities for which the grantee has not yet decided on a specific location, such as when the grantee is allocating an amount of funds to be used for making loans or grants to businesses or for residential rehabilitation, the description in the action plan or any amendment shall identify who may apply for the assistance, the process by which the grantee expects to select who will receive the assistance (including selection criteria), and how much and under what terms the assistance will be provided, or in the case of a planned public facility or improvement, how it expects to determine its location.

(b) Float-funded activities and guarantees. A recipient may use undisbursed funds in the line of credit and its CDBG program account that are budgeted in statements or action plans for one or more other activities that do not need the funds immediately, subject to the limitations described below. Such funds shall be referred to as the “float” for purposes of this section and the action plan. Each activity carried out using the float must meet all of the same requirements that apply to CDBG-assisted activities generally, and must be expected to produce program income in an amount at least equal to the amount of the float so used. Whenever the recipient proposes to fund an activity with the float, it must include the activity in its action plan or amend the action plan for the current program year. For purposes of this section, an activity that uses such funds will be called a “float-funded activity.”

(1) Each float-funded activity must be individually listed and described as such in the action plan.

(2)(i) The expected time period between obligation of assistance for a float-funded activity and receipt of program income in an amount at least equal to the full amount drawn from the float to fund the activity may not exceed 2.5 years. An activity from which program income sufficient to recover the full amount of the float assistance is expected to be generated more than 2.5 years after obligation may not be funded from the float, but may be included in an action plan if it is funded from CDBG funds other than the float (e.g., grant funds or proceeds from an approved Section 108 loan guarantee).

(ii) Any extension of the repayment period for a float-funded activity shall be considered to be a new float-funded activity for these purposes and may be implemented by the grantee only if the extension is made subject to the same limitations and requirements as apply to a new float-funded activity.

(3) Unlike other projected program income, the full amount of income expected to be generated by a float-funded activity must be shown as a source of program income in the action plan containing the activity, whether or not some or all of the income is expected to be received in a future program year (in accordance with 24 CFR 91.220(g)(1)(ii)(D)).

(4) The recipient must also clearly declare in the action plan that identifies the float-funded activity the recipient's commitment to undertake one of the following options:

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- (i) Amend or delete activities in an amount equal to any default or failure to produce sufficient income in a timely manner. If the recipient makes this choice, it must include a description of the process it will use to select the activities to be amended or deleted and how it will involve citizens in that process; and it must amend the applicable statement(s) or action plan(s) showing those amendments or deletions promptly upon determining that the float-funded activity will not generate sufficient or timely program income;
 - (ii) Obtain an irrevocable line of credit from a commercial lender for the full amount of the float-funded activity and describe the lender and terms of such line of credit in the action plan that identifies the float-funded activity. To qualify for this purpose, such line of credit must be unconditionally available to the recipient in the amount of any shortfall within 30 days of the date that the float-funded activity fails to generate the projected amount of program income on schedule;
 - (iii) Transfer general local government funds in the full amount of any default or shortfall to the CDBG line of credit within 30 days of the float-funded activity's failure to generate the projected amount of the program income on schedule; or
 - (iv) A method approved in writing by HUD for securing timely return of the amount of the float funding. Such method must ensure that funds are available to meet any default or shortfall within 30 days of the float-funded activity's failure to generate the projected amount of the program income on schedule.
- (5) When preparing an action plan for a year in which program income is expected to be received from a float-funded activity, and such program income has been shown in a prior statement or action plan, the current action plan shall identify the expected income and explain that the planned use of the income has already been described in prior statements or action plans, and shall identify the statements or action plans in which such descriptions may be found.

[60 FR 56913, Nov. 9, 1995]

§ 570.302 Submission requirements.

In order to receive its annual CDBG entitlement grant, a grantee must submit a consolidated plan in accordance with 24 CFR part 91. That part includes requirements for the content of the consolidated plan, for the process of developing the consolidated plan, including citizen participation provisions, for the submission date, for HUD approval, and for the amendment process.

(Approved by the Office of Management and Budget under control number 2506-0117)

[60 FR 1915, Jan. 5, 1995]

§ 570.303 Certifications.

The jurisdiction must make the certifications that are set forth in 24 CFR part 91 as part of the consolidated plan.

(Approved by the Office of Management and Budget under control number 2506-0117)

[60 FR 1915, Jan. 5, 1995]

§ 570.304 Making of grants.

(a) Approval of grant. HUD will approve a grant if the jurisdiction's submissions have been made and approved in accordance with 24 CFR part 91, and the certifications required therein are satisfactory to the Secretary. The certifications will be satisfactory to the Secretary for this purpose unless the Secretary has determined pursuant to subpart O of this part that the grantee has not complied with the requirements of this part, has failed to carry out its consolidated plan as provided under §570.903, or has determined that there is evidence, not directly involving the grantee's past performance under this program, that tends to challenge in a substantial manner the grantee's certification of future performance. If the Secretary makes any such determination, however, further assurances may be required to be submitted by the grantee as the Secretary may deem warranted or necessary to find the grantee's certification satisfactory.

(b) Grant agreement. The grant will be made by means of a grant agreement executed by both HUD and the grantee.

(c) Grant amount. The Secretary will make a grant in the full entitlement amount, generally within the last 30 days of the grantee's current program year, unless:

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1) Either the consolidated plan is not received by August 16 of the federal fiscal year for which funds are appropriated or the consolidated plan is not approved under 24 CFR part 91, subpart F—in which case, the grantee will forfeit the entire entitlement amount; or

(2) The grantee's performance does not meet the performance requirements or criteria prescribed in subpart O and the grant amount is reduced.

[53 FR 34449, Sept. 6, 1988, as amended at 60 FR 1915, Jan. 5, 1995; 60 FR 16379, Mar. 30, 1995; 60 FR 56913, Nov. 9, 1995]
§ 570.307 Urban counties.

(a) Determination of qualification. The Secretary will determine the qualifications of counties to receive entitlements as urban counties upon receipt of qualification documentation from counties at such time, and in such manner and form as prescribed by HUD. The Secretary shall determine eligibility and applicable portions of each eligible county for purposes of fund allocation under section 106 of the Act on the basis of information available from the U.S. Bureau of the Census with respect to population and other pertinent demographic characteristics, and based on information provided by the county and its included units of general local government.

(b) Qualification as an urban county. (1) A county will qualify as an urban county if such county meets the definition at §570.3(3). As necessitated by this definition, the Secretary shall determine which counties have authority to carry out essential community development and housing assistance activities in their included units of general local government without the consent of the local governing body and which counties must execute cooperation agreements with such units to include them in the urban county for qualification and grant calculation purposes.

(2) At the time of urban county qualification, HUD may refuse to recognize the cooperation agreement of a unit of general local government in an urban county where, based on past performance and other available information, there is substantial evidence that such unit does not cooperate in the implementation of the essential community development or housing assistance activities or where legal impediments to such implementation exist, or where participation by a unit of general local government in noncompliance with the applicable law in subpart K would constitute noncompliance by the urban county. In such a case, the unit of general local government will not be permitted to participate in the urban county, and its population or other needs characteristics will not be considered in the determination of whether the county qualifies as an urban county or in determining the amount of funds to which the urban county may be entitled. HUD will not take this action unless the unit of general local government and the county have been given an opportunity to challenge HUD's determination and to informally consult with HUD concerning the proposed action.

(c) Essential activities. For purposes of this section, the term "essential community development and housing assistance activities" means community renewal and lower income housing activities, specifically urban renewal and publicly assisted housing. In determining whether a county has the required powers, the Secretary will consider both its authority and, where applicable, the authority of its designated agency or agencies.

(d) Period of qualification. (1) The qualification by HUD of an urban county shall remain effective for three successive Federal fiscal years regardless of changes in its population during that period, except as provided under paragraph (f) of this section and except as provided under §570.3(3) where the period of qualification shall be two successive Federal fiscal years.

(2) During the period of qualification, no included unit of general local government may withdraw from nor be removed from the urban county for HUD's grant computation purposes.

(3) If some portion of an urban county's unincorporated area becomes incorporated during the urban county qualification period, the newly incorporated unit of general local government shall not be excluded from the urban county nor shall it be eligible for a separate grant under subpart D, F, or I until the end of the urban county's current qualification period, unless the urban county fails to receive a grant for any year during that qualification period.

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(e) Grant ineligibility of included units of general local government. (1) An included unit of general local government cannot become eligible for an entitlement grant as a metropolitan city during the period of qualification of the urban county (even if it becomes a principal city of a metropolitan area or its population surpasses 50,000 during that period). Rather, such a unit of general local government shall continue to be included as part of the urban county for the remainder of the urban county's qualification period, and no separate grant amount shall be calculated for the included unit.

(2) An included unit of general local government which is part of an urban county shall be ineligible to apply for grants under subpart F, or to be a recipient of assistance under subpart I, during the entire period of urban county qualification.

(f) Failure of an urban county to receive a grant. Failure of an urban county to receive a grant during any year shall terminate the existing qualification of that urban county, and that county shall requalify as an urban county before receiving an entitlement grant in any successive Federal fiscal year. Such termination shall release units of general local government included in the urban county, in subsequent years, from the prohibition to receive grants under paragraphs (d)(3), (e)(1) and (e)(2) of this section. For this purpose an urban county shall be deemed to have received a grant upon having satisfied the requirements of sections 104 (a), (b), (c), and (d) of the Act, without regard to adjustments which may be made to this grant amount under section 104(e) or 111 of the Act.

(g) Notifications of the opportunity to be excluded. Any county seeking to qualify for an entitlement grant as an urban county for any Federal fiscal year shall notify each unit of general local government which is located, in whole or in part, within the county and which would otherwise be included in the urban county, but which is eligible to elect to have its population excluded from that of the urban county, that it has the opportunity to make such an election, and that such an election, or the failure to make such an election, shall be effective for the period for which the county qualifies as an urban county. These notifications shall be made by a date specified by HUD. A unit of general local government which elects to be excluded from participation as a part of the urban county shall notify the county and HUD in writing by a date specified by HUD. Such a unit of government may subsequently elect to participate in the urban county for the remaining one or two year period by notifying HUD and the county, in writing, of such election by a date specified by HUD.

[53 FR 34449, Sept. 6, 1988, as amended at 56 FR 56127, Oct. 31, 1991; 68 FR 69582, Dec. 12, 2003]

§ 570.308 Joint requests.

(a) Joint requests and cooperation agreements. (1) Any urban county and any metropolitan city located, in whole or in part, within that county may submit a joint request to HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing program. Such a joint request shall only be considered if submitted at the time the county is seeking a three year qualification or requalification as an urban county.

Such a joint request shall, upon approval by HUD, remain effective for the period for which the county is qualified as an urban county. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may only be included in one urban county for any program year. A joint request shall be deemed approved by HUD unless HUD notifies the city and the county of its disapproval and the reasons therefore within 30 days of receipt of the request by HUD.

(2) Each metropolitan city and urban county submitting a joint request shall submit an executed cooperation agreement to undertake or to assist in the undertaking of essential community development and housing assistance activities, as defined in §570.307(c).

(b) Joint grant amount. The grant amount for a joint recipient shall be the sum of the amounts authorized for the individual entitlement grantees, as described in section 106 of the Act. The urban county shall be the grant recipient.

Additional Information/HUD Guidelines (Page 5 of 5)

(c) Effect of inclusion. Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city shall be considered a part of the urban county for purposes of program planning and implementation for the period of the urban county qualification, and shall be treated the same as any other unit of general local government which is part of the urban county.

(d) Submission requirements. In requesting a grant under this part, the urban county shall make a single submission which meets the submission requirements of 24 CFR part 91 and covers all members of the joint recipient.

[53 FR 34449, Sept. 6, 1988, as amended at 60 FR 1915, Jan. 5, 1995]

§ 570.309 Restriction on location of activities.

CDBG funds may assist an activity outside the jurisdiction of the grantee only if the grantee determines that such an activity is necessary to further the purposes of the Act and the recipient's community development objectives, and that reasonable benefits from the activity will accrue to residents within the jurisdiction of the grantee. The grantee shall document the basis for such determination prior to providing CDBG funds for the activity.

[60 FR 56914, Nov. 9, 1995]

Application Instructions (1 of 3)

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. **Only applications completed on an Excel platform will be accepted.** To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in green have drop-down menus and areas shaded in red are auto-filled. Grey shaded areas require a text input by the applicant.

Tab	General Instructions
Submission Checklist	<p>Threshold items determining the Applicant's responsiveness are indicated as Required. Items requiring signatures are noted as Signatures Needed.</p> <p>A drop-down menu is provided for each item to enable easy labeling as submitted or not. Please ensure to update the status for each item.</p> <p>In addition, we have left open spaces in the event that the applicant wishes to attach additional items not specifically requested in the RFP.</p>
Applicant Info(rmation)	<p>All shaded area require a response. Those areas in grey require a manual input. Items shaded in green require use of the drop-down menu provided.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p> <p>Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.</p>
Project Overview	<p>The Applicant name is auto-populated once you have completed the previous tab.</p> <p>As you provide the Project Synopsis in the green shaded space provided, please be succinct but complete in your narrative and run spellcheck before finalizing.</p> <p>If you have a Physical Needs Assessment for the proposed project, please include as an attachment.</p> <p>For Project Partners, list each entity separately and use the drop-down menu to indicate the type of support provided from each. In the final column, please list the cash value of the entity's support.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p>
Project Impact	<p>Please note there are two pages to this section.</p> <p>Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.</p>
Applicant Experience	<p>Please note there are two pages to this section.</p> <p>Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.</p>
Project Budget	<p>The Budget form has five columns. The first column should list all of the entities providing cash, financing or in-kind leverage to the proposed project.</p> <p>The second column, "Confirmed Receipt", enables you to insert the dollar value of any commitment that has been secured.</p> <p>The third column, "Pending Receipt", enables you to insert the value of any projected funds that have yet to be secured but may be reasonably expected.</p> <p>The fourth column, "City Request" enables you to insert the value of funds requested from the City through this RFP process.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p>

Application Instructions (2 of 3)

Tab	General Instructions
Sources & Uses	<p>In the column labeled "Line Item Category," list the various project expenses using the drop-down menu provided.</p> <p>In each of the following columns to the right, and under "Fund Source", insert the name of the funding entity and then below the respective amounts allocated to each line item.</p> <p>A second page is provided if your project has more than five (5) funding sources. Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.</p>
Priority Alignment	<p>Using the drop-down menus provided, answer each area shaded in green.</p> <p>Provide a brief but succinct narrative in the grey space provided that explains how your agency will measure its impact on the City's Key Intended Outcomes selected.</p> <p>Run spellcheck before finalizing your narrative.</p>
Affidavit 1	Review and provide signatures requested.
Affidavit 2	Review and provide signatures requested.
Affidavit 3	Review and provide signatures requested.
Affidavit 4	Review and provide signatures requested.

Application Instructions (3 of 3)

Application Submission

Applicants must submit their application(s) as follows:

- ! One (1) original hard copy with authorizing signatures in blue ink.
- ! One (1) duplicate hard copy of the original hard copy application.
- ! One digital copy in Excel format of the application with attachments in PDF format on CD ROM

Via Hand Delivery: Office of Housing & Community Services, 555 - 17th Street, Miami Beach, Florida 33139. Receipt is made weekdays, 9am to 4pm excluding legal holidays.

Via Mail Delivery: Office of Community Development, 1700 Convention Center Drive, Miami Beach, Florida 33139

Required Attachments

The following attachments are required and must be submitted with the one (1) original hard copy application and two copies. These attachments should be placed directly following Affidavit 4 with the hard copies.

1. Agency's Articles of Incorporation in their entirety.
2. A current list of the Applicant's Board of Directors and their respective affiliation(s).
3. The Applicant's last two (2) annual financial audits.
4. Letters of commitment/award, contracts or other documents attesting to the evidence of matching/in-kind funds. Resources or financing.

Recommended Attachments

While a Subsidy Layering Review is not required at the time of application, it is encouraged as a means of reviewing the project's fiscal viability. If provided, this document should follow the required attachments.

Additional Attachments

If the applicant wishes to submit additional documents, they may do so. If provided, these should follow the required attachments.

General Information (1 of 3)

The following funding is available through this RFP, contingent upon final approval by HUD:

CDBG Funds (estimated)		
CDBG Entitlement	\$	844,387
City Administration (20%)	\$	168,877
Public Services Cap (15%)	\$	126,658

Determination of Appropriateness

Prior to preparing an application for funds, applicants are strongly advised to determine if the proposed project is an eligible activity as defined by HUD regulations. CDBG projects must meet one of the three National Objectives.

Deadline for Submission

All responses to this RFP must have been received by Friday, March 11, 2016 at 3:00 pm at the Office of Housing & Community Services located at 555 -17th Street, Miami Beach, Florida 33139. Mailed applications should be sent to Office of Housing & Community Services, Attention: Maria Ruiz, Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139.

Late applications will not be accepted.

Fatal Flaws

The following errors, omissions and/or conditions are considered fatal flaws preventing applications from consideration for funding:

- ! Incomplete applications (missing any section of the application or omission of required attachments)
- ! Factual errors resulting in the misrepresentation of an organization's experience, capacity or ownership
- ! Projects with funding gaps despite the potential award of City funds

Submission Requirements

Applicants must submit their application(s) as follows:

- ☐ One (1) original hard copy with authorizing signatures in blue ink.
- ☐ One (1) duplicate hard copy of the original hard copy application.
- ☐ One digital copy in Excel format of the application with attachments in RDP format on CD ROM.

Directions for Completing the Application

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. Only applications completed on an Excel platform will be accepted. To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in green have drop-down menus and areas shaded in red are auto-filled. Grey shaded areas require a text input by the applicant.

General Information (2 of 3)

Modifications/Withdrawals of Proposals

An Applicant may submit a modified Application to replace all or any portion of a previously submitted Application up until the Application due date and time. Modifications received after the Application due date and time will not be considered. Applications shall be irrevocable until contract award unless withdrawn in writing prior to the Application due date, or after expiration of 120 calendar days from the opening of Applications without a contract award. Letters of withdrawal received after the Application due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

RFP Postponement/Cancellation/Rejection

The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, Applications; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP, or in any Applications received as a result of this RFP.

Costs Incurred by Applicants

All expenses involved with the preparation and submission of Applications, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Applicant, and shall not be reimbursed by the City.

Exceptions to RFP

Applicants must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Application. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Applicant to comply with the particular term and/or condition of the RFP to which Applicant took exception to (as said term and/or condition was originally set forth on the RFP).

Florida Public Records Laws

Applicants are hereby notified that all Applications including, without limitation, any and all information and documentation submitted therewith, will be available for public inspection after opening of Applications, in compliance with Florida Public Records Law including, without limitation, Chapter 119, Florida Statutes.

Negotiations

The City reserves the right to enter into further negotiations with the selected Applicant(s). Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Applicant(s) in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Applicants that by submitting an Application, no property interest or legal right of any kind shall be created at any time until and unless a contract has been agreed to; approved by the City; and executed by the parties.

Observance of Laws

Applicants are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFA (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Applicant will in no way relieve it from responsibility for compliance.

General Information (3 of 3)

Conflict of Interest

All Applicants must disclose, in their Application, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Applicants must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Applicant entity or any of its affiliates.

Applicant's Responsibility

Before submitting a Application, each Applicant shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Applicant from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Applicant.

Public Entity Crimes

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity , and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

American With Disabilities Act (ADA)

Call (305) 673-7260/VOICE to request material in accessible format; sign language interpreters (five days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673-7631.

Acceptance of Gifts, Favors, Services

Applicants shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Application. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

Guidelines for Evaluating Economic Development Projects (1 of 3)

§ 570.209 Guidelines for evaluating and selecting economic development projects.

The following guidelines are provided to assist the recipient to evaluate and select activities to be carried out for economic development purposes. Specifically, these guidelines are applicable to activities that are eligible for CDBG assistance under §570.203. These guidelines also apply to activities carried out under the authority of §570.204 that would otherwise be eligible under §570.203, were it not for the involvement of a Community-Based Development Organization (CBDO). (This would include activities where a CBDO makes loans to for-profit businesses.) These guidelines are composed of two components: guidelines for evaluating project costs and financial requirements; and standards for evaluating public benefit. The standards for evaluating public benefit are mandatory, but the guidelines for evaluating projects costs and financial requirements are not.

(a) Guidelines and objectives for evaluating project costs and financial requirements. HUD has developed guidelines that are designed to provide the recipient with a framework for financially underwriting and selecting CDBG-assisted economic development projects which are financially viable and will make the most effective use of the CDBG funds. These guidelines, also referred to as the underwriting guidelines, are published as appendix A to this part. The use of the underwriting guidelines published by HUD is not mandatory. However, grantees electing not to use these guidelines would be expected to conduct basic financial underwriting prior to the provision of CDBG financial assistance to a for-profit business. Where appropriate, HUD's underwriting guidelines recognize that different levels of review are appropriate to take into account differences in the size and scope of a proposed project, and in the case of a microenterprise or other small business to take into account the differences in the capacity and level of sophistication among businesses of differing sizes. Recipients are encouraged, when they develop their own programs and underwriting criteria, to also take these factors into account. The objectives of the underwriting guidelines are to ensure:

- (1) That project costs are reasonable;
- (2) That all sources of project financing are committed;
- (3) That to the extent practicable, CDBG funds are not substituted for non-Federal financial support;
- (4) That the project is financially feasible;
- (5) That to the extent practicable, the return on the owner's equity investment will not be unreasonably high; and
- (6) That to the extent practicable, CDBG funds are disbursed on a pro rata basis with other finances provided to the project.

(b) Standards for evaluating public benefit. The grantee is responsible for making sure that at least a minimum level of public benefit is obtained from the expenditure of CDBG funds under the categories of eligibility governed by these guidelines. The standards set forth below identify the types of public benefit that will be recognized for this purpose and the minimum level of each that must be obtained for the amount of CDBG funds used. Unlike the guidelines for project costs and financial requirements covered under paragraph (a) of this section, the use of the standards for public benefit is mandatory. Certain public facilities and improvements eligible under §570.201(c) of the regulations, which are undertaken for economic development purposes, are also subject to these standards, as specified in §570.208(a)(4)(vi)(F)(2).

- (1) Standards for activities in the aggregate. Activities covered by these guidelines must, in the aggregate, either:
 - (i) Create or retain at least one full-time equivalent, permanent job per \$35,000 of CDBG funds used; or
 - (ii) Provide goods or services to residents of an area, such that the number of low- and moderate-income persons residing in the areas served by the assisted businesses amounts to at least one low- and moderate-income person per \$350 of CDBG funds used.

Guidelines for Evaluating Economic Development Projects (2 of 3)

- (2) Applying the aggregate standards. (i) A metropolitan city, an urban county, a non-entitlement CDBG grantee in Hawaii, or an Insular Area shall apply the aggregate standards under paragraph (b)(1) of this section to all applicable activities for which CDBG funds are first obligated within each single CDBG program year, without regard to the source year of the funds used for the activities. For Insular Areas, the preceding sentence applies to grants received in program years after Fiscal Year 2004. A grantee under the HUD-administered Small Cities Program, or Insular Areas CDBG grants prior to Fiscal Year 2005, shall apply the aggregate standards under paragraph (b)(1) of this section to all funds obligated for applicable activities from a given grant; program income obligated for applicable activities will, for these purposes, be aggregated with the most recent open grant. For any time period in which a community has no open HUD-administered or Insular Areas grants, the aggregate standards shall be applied to all applicable activities for which program income is obligated during that period.
- (ii) The grantee shall apply the aggregate standards to the number of jobs to be created/retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.
- (iii) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area resident's standard, but not both.
- (iv) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the aggregate standards.
- (v) Any activity subject to these guidelines which meets one or more of the following criteria may, at the grantee's option, be excluded from the aggregate standards described in paragraph (b)(1) of this section:
- (A) Provides jobs exclusively for unemployed persons or participants in one or more of the following programs:
- (1) Jobs Training Partnership Act (JTPA);
 - (2) Jobs Opportunities for Basic Skills (JOBS); or
 - (3) Aid to Families with Dependent Children (AFDC);
- (B) Provides jobs predominantly for residents of Public and Indian Housing units;
- (C) Provides jobs predominantly for homeless persons;
- (D) Provides jobs predominantly for low-skilled, low- and moderate-income persons, where the business agrees to provide clear opportunities for promotion and economic advancement, such as through the provision of training;
- (E) Provides jobs predominantly for persons residing within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;
- (F) Provides assistance to business(es) that operate(s) within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;
- (G) Stabilizes or revitalizes a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;
- (H) Provides assistance to a Community Development Financial Institution that serve an area that is predominantly low- and moderate-income persons;
- (I) Provides assistance to a Community-Based Development Organization serving a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;
- (J) Provides employment opportunities that are an integral component of a project designed to promote spatial deconcentration of low- and moderate-income and minority persons;
- (K) With prior HUD approval, provides substantial benefit to low-income persons through other innovative approaches;
- (L) Provides services to the residents of an area pursuant to a strategy approved by HUD under the provisions of §91.215(e) of this title;

Guidelines for Evaluating Economic Development Projects (3 of 3)

(M) Creates or retains jobs through businesses assisted in an area pursuant to a strategy approved by HUD under the provisions of §91.215(e) of this title.

(N) Directly involves the economic development or redevelopment of environmentally contaminated properties.

(3) Standards for individual activities. Any activity subject to these guidelines which falls into one or more of the following categories will be considered by HUD to provide insufficient public benefit, and therefore may under no circumstances be assisted with CDBG funds:

(i) The amount of CDBG assistance exceeds either of the following, as applicable:

(A) \$50,000 per full-time equivalent, permanent job created or retained; or

(B) \$1,000 per low- and moderate-income person to which goods or services are provided by the activity.

(ii) The activity consists of or includes any of the following:

(A) General promotion of the community as a whole (as opposed to the promotion of specific areas and programs);

(B) Assistance to professional sports teams;

(C) Assistance to privately-owned recreational facilities that serve a predominantly higher-income clientele, where the recreational benefit to users or members clearly outweighs employment or other benefits to low- and moderate-income persons;

(D) Acquisition of land for which the specific proposed use has not yet been identified; and

(E) Assistance to a for-profit business while that business or any other business owned by the same person(s) or entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided by the recipient.

(4) Applying the individual activity standards. (i) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, it will be disqualified only if the amount of CDBG assistance exceeds both of the amounts in paragraph (b)(3)(i) of this section.

(ii) The individual activity standards in paragraph (b)(3)(i) of this section shall be applied to the number of jobs to be created or retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the individual activity standards in paragraph (b)(3)(i) of this section.

(c) Amendments to economic development projects after review determinations. If, after the grantee enters into a contract to provide assistance to a project, the scope or financial elements of the project change to the extent that a significant contract amendment is appropriate, the project should be reevaluated under these and the recipient's guidelines. (This would include, for example, situations where the business requests a change in the amount or terms of assistance being provided, or an extension to the loan payment period required in the contract.) If a reevaluation of the project indicates that the financial elements and public benefit to be derived have also substantially changed, then the recipient should make appropriate adjustments in the amount, type, terms or conditions of CDBG assistance which has been offered, to reflect the impact of the substantial change. (For example, if a change in the project elements results in a substantial reduction of the total project costs, it may be appropriate for the recipient to reduce the amount of total CDBG assistance.) If the amount of CDBG assistance provided to the project is increased, the amended project must still comply with the public benefit standards under paragraph (b) of this section.

(d) Documentation. The grantee must maintain sufficient records to demonstrate the level of public benefit, based on the above standards, that is actually achieved upon completion of the CDBG-assisted economic development activity(ies) and how that compares to the level of such benefit anticipated when the CDBG assistance was obligated. If the grantee's actual results show a pattern of substantial variation from anticipated results, the grantee is expected to take all actions reasonably within its control to improve the accuracy of its projections. If the actual results demonstrate that the recipient has failed the public benefit standards, HUD may require the recipient to meet more stringent standards in future years as appropriate.

[60 FR 1947, Jan. 5, 1995, as amended at 60 FR 17445, Apr. 6, 1995; 71 FR 30035, May 24, 2006; 72 FR 12535, Mar. 15, 2007; 72 FR 46370, Aug. 17, 2007]

Contractual Scope of Services (1 of 12)

The following is a sample of Attachment A (General Requirements) for awarded contracts provided as reference:

EXHIBIT "A" - "SCOPE OF SERVICES"

Related Definitions:

Davis-Bacon Act Compliance – The Davis-Bacon Act applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. Affordable housing rehabilitation projects of eight (8) or more units using CDBG funds must ensure Davis-Bacon Act compliance. Affordable housing rehabilitation projects of 12 or more units using HOME funds must ensure Davis-Bacon Act compliance.

Environmental Review – Projects must have an Environmental Review unless they meet criteria specified in HUD regulations that would exempt or exclude them from Request for Release of Funds (RROF) and environmental certification requirements (24 CFR sections 58.1, 58.22, 58.34, 58.35 and 570.604).

Evidence of Procurement – All expenses incurred with grant funds require evidence of procurement according to this Agreement. Please carefully read the Agreement and related HUD rules to ensure compliance.

HUD Income Limits – The Sub-Recipient must ensure that HUD Income Limits (household income) are utilized when determining client eligibility for HUD-funded services. Income limits are posted further below.

Monthly Progress Report – The Sub-Recipient is required to submit a monthly project progress report by the 10th of the following month. The report must be signed by the person who prepared the report as well as the agency's authorizing party. The report summarizes the progress made, expenses incurred and deliverables completed. This report must be completed regardless of whether or not funds are requested.

Monthly Financial Report – The Sub-Recipient is required to submit a monthly financial report by the 10th of the following month regardless of whether or not funds are requested. The report delineates project expenses incurred including non-City funds and must include the corresponding evidence of expense incurred for any expense which is being submitted for reimbursement.

Monthly Proformas – All Capital projects with multiple (more than one) funding sources require the submission of monthly proformas to the City.

Professional Services Contracts – Professional services funded through this Agreement must adhere to procurement guidelines as appropriate and have executed written agreements between the Sub-Recipient and the respective Vendor. Contracts must, at a minimum, specify the cost, timeline and scope of service. A copy of all professional service contracts must be submitted to the City prior to reimbursement request.

Proof of Insurance – Evidence of appropriate and required insurance must be submitted prior to contract execution. No City funds will be disbursed prior to submission of required insurance coverage.

Contractual Scope of Services (2 of 12)

Retainage – All capital projects are subject to the withholding of 10 percent of appropriate expenses in the form of a retainage. All retained funds will be released when the project fulfills its National Objective.

Section 3 Compliance – Any Agreement greater than \$200,000 that involves rehabilitation, housing construction, or other public construction, requires the Sub-Recipient complete and submit to the City Form HUD 60002, Section 3 Summary Report, Economic Opportunities for Low- and Very-Low Income Persons (OMB No. 2529-0043).

Applicable Federal Regulations

The Sub-Recipient must apply to all applicable federal regulations including:

I. Non-Discrimination and Equal Access

No person in the United States shall on the grounds of race, color, national origin, religion or sex be excluded, denied benefits or subjected to discrimination under any program funded in whole or in part by CDBG/HOME funds. The Provider must take measures to ensure non-discriminatory treatment, outreach and access to program resources. This applies to employment and contracting, as well as to marketing and selection of program participants.

Fair Housing and Equal Opportunity

The Provider must comply with all the following Federal laws, executive orders and regulations pertaining to fair housing and equal opportunity. They are summarized below:

Title VI of the Civil Rights Act of 1964, As Amended (42 USC 2000d et seq.): States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color or national origin. The regulations implementing the Title VI Civil Rights Act provisions for HUD programs may be found in 24 CFR Part 1.

The Fair Housing Act (42 USC 3601-3620): Prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap or familial status. Fair Housing Act implementing regulations may be found in 24 CFR Part 100-115.

Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259): Prohibits discrimination against individuals on the basis of race, color, religion, sex or national origin in the sale, rental, leasing or other disposition of residential property, or in the use or occupancy of housing assisted with Federal funds. Equal Opportunity in Housing regulations may be found in 24 CFR Part 107.

Age Discrimination Act of 1975, As Amended (42 USC 6101): Prohibits age discrimination in programs receiving Federal financial assistance. Age Discrimination Act regulations may be found in 24 CFR Part 146.

Section 109 of Title I of the Housing and Community Development Act of 1974: Requires that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity funded with CDBG/HOME funds on the basis of race, color, religion, national origin or sex.

Affirmative Marketing

The Provider must adopt affirmative marketing procedures and requirements for all CDBG/HOME-assisted housing with five or more units. Requirements and procedures must include:

Contractual Scope of Services (3 of 12)

1. Methods for informing the public, owners and potential tenants about fair housing laws and the Provider's policies (for example: use of the Fair Housing logo or equal opportunity language);
2. A description of what owners and/or the Provider will do to affirmatively market housing assisted with CDBG/HOME funds;
3. A description of what owners and/or the Provider will do to inform persons not likely to apply for housing without special outreach;
4. Maintenance of records to document actions taken to affirmatively market CDBG/HOME-assisted units and to assess marketing effectiveness; and
5. A description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

Handicapped Accessibility

The CDBG/HOME regulations also require adherence to the three following regulations governing the accessibility of Federally-assisted buildings, facilities and programs.

Americans with Disabilities Act (42 USC 12131; 47 USC 155, 201, 218 and 225): Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services and telecommunications. The Act, also referred to as the ADA, also states that discrimination includes the failure to design and construct facilities (built for first occupancy after January 26, 1993) that are accessible to and usable by persons with disabilities. The ADA also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. Removal must be readily achievable, easily accomplishable and able to be carried out without much difficulty or expense.

Fair Housing Act: Multi-family dwellings must also meet the design and construction requirements at 24 CFR 100.205, which implement the Fair Housing Act (42 USC 3601-19)

Section 504: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination in federally assisted programs on the basis of handicap. Section 504 imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive Federal funds. Under Section 504, recipients and Sub-Recipients are not required to take actions that create unique financial and administrative burdens or alter the fundamental nature of the program. For any Provider principally involved in housing or social services, all of the activities of the agency -- not only those directly receiving Federal assistance -- are covered under Section 504. Contractors or vendors are subject to Section 504 requirements only in the work they do on behalf of the Provider or the City. The ultimate beneficiary of the Federal assistance is not subject to Section 504 requirements.

The Architectural Barriers Act of 1968 (42 USC 4151-4157): Requires certain Federal and Federally-funded buildings and other facilities to be designed, constructed or altered in accordance with standards that ensure accessibility to, and use by, physically handicapped people.

II. Employment and Contracting

The Provider must comply with the regulations below governing employment and contracting opportunities. These concern equal opportunity, labor requirements and contracting/procurement procedures.

Contractual Scope of Services (4 of 12)

Equal Opportunity

The Provider must comply with the following regulations that ensure equal opportunity for employment and contracting: Equal Employment Opportunity, Executive Order 11246, as amended: Prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. Provisions to effectuate this prohibition must be included in all construction contracts exceeding \$10,000. Implementing regulations may be found at 41 CFR Part 60. Section 3 of the Housing and Urban Development Act of 1968: Requires that, to the greatest extent feasible, opportunities for training and employment arising from CDBG/HOME funds will be provided to low-income persons residing in the program service area. Also, to the greatest extent feasible, contracts for work (all types) to be performed in connection with CDBG/HOME will be awarded to business concerns that are located in or owned by persons residing in the program service area.

Minority/Women's Business Enterprise: Under Executive Orders 11625, 12432 and 12138, the City and the Provider must prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, in all contracts (see 24 CFR 85.36(e)).

Labor Requirements

The Provider must comply with certain regulations on wage and labor standards. In the case of Davis-Bacon and the Contract Work Hours and Safety Standards Acts, every contract for construction (in the case of residential construction, projects with eight or more units) triggers the requirements.

Davis-Bacon and Related Acts (40 USC 276(A)-7): Ensures that mechanics and laborers employed in construction work under Federally-assisted contracts are paid wages and fringe benefits equal to those that prevail in the locality where the work is performed. This act also provides for the withholding of funds to ensure compliance, and excludes from the wage requirements apprentices enrolled in bona fide apprenticeship programs.

Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333): Provides that mechanics and laborers employed on Federally-assisted construction jobs are paid time and one-half for work in excess of 40 hours per week, and provides for the payment of liquidated damages where violations occur. This act also addresses safe and healthy working conditions.

Copeland (Anti-Kickback) Act (40 USC 276c): Governs the deductions from paychecks that are allowable. Makes it a criminal offense to induce anyone employed on a Federally assisted project to relinquish any compensation to which he/she is entitled, and requires all contractors to submit weekly payrolls and statements of compliance.

Fair Labor Standards Act of 1938, As Amended (29 USC 201, et. seq.): Establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one-half. It also requires the payment of wages for the entire time that an employee is required or permitted to work, and establishes child labor standards.

Contracting and Procurement Practices

The CDBG/HOME programs are subject to certain Federal procurement rules. In addition, the City and the Provider must take measures to avoid hiring debarred or suspended contractors or Sub-Recipients and conflict-of-interest situations. Each is briefly discussed below.

Contractual Scope of Services (5 of 12)

Procurement: For the City, the procurement standards of 24 CFR 85.36 apply. For non-profit organizations receiving CDBG/HOME funds, the procurement requirements at 24 CFR Part 84 apply.

Conflict of Interest: The CDBG regulations require grantees (the City), state recipients and Sub-Recipients (the Provider) to comply with two different sets of conflict-of-interest provisions. The first set of provisions comes from 24 CFR Parts 84 and 85. The second, which applies only in cases not covered by 24 CFR Parts 84 and 85, is set forth in the CDBG regulations. Both sets of requirements are discussed below.

- The provisions at 24 CFR 85.36 and 24 CFR 84.42 apply in the procurement of property and services by grantees (the City), state recipients, and Sub-Recipients (the Provider). These regulations require the City and the Provider to maintain written standards governing the performance of their employees engaged in awarding and administering contracts. At a minimum, these standards must:

- Require that no employee, officer, agent of the City or the Provider shall participate in the selection, award or administration of a contract supported by CDBG/HOME if a conflict-of-interest, either real or apparent, would be involved;
- Require that employees, officers and agents of the City or the Provider not accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to Sub-Agreements; and
- Stipulate provisions for penalties, sanctions or other disciplinary actions for violations of standards.

HOME-funded projects must comply with 24 CFR 92.356.

A conflict would arise when any of the following has a financial or other interest in a firm selected for an award:

- An employee, agent or officer of the City or the Provider;
 - Any member of an employee's, agent's or officer's immediate family;
 - An employee's, agent's or officer's partner; or
 - An organization that employs or is about to employ an employee, agent or officer of the City or the Provider.
- The CDBG/HOME regulations at 24 CFR 570.611 governing conflict-of-interest apply in cases not covered by 24 CFR 85.36 and 24 CFR 84.42. These provisions cover employees, agents, consultants, officers and elected or appointed officials of the grantee (the City), state recipient or Sub-Recipient (the Provider). The regulations state that no person covered who exercises or has exercised any functions or responsibilities with respect to CDBG/HOME activities or who is in a position to participate in decisions or gain inside information:
- May obtain a financial interest or benefit from a CDBG activity; or
 - Have an interest in any contract, subcontract or agreement for themselves or for persons with business or family ties.

This requirement applies to covered persons during their tenure and for one year after leaving the grantee (the City), the state recipient or Sub-Recipient (the Provider) entity.

Upon written request, exceptions to both sets of provisions may be granted by HUD on a case-by-case only after the City has:

- Disclosed the full nature of the conflict and submitted proof that the disclosure has been made public; and
- Provided a legal opinion from the City stating that there would be no violation of state or local law if the exception were granted.

Debarred contractors: In accordance with 24 CFR Part 5, CDBG/HOME funds may not be used to directly or indirectly employ, award contracts to or otherwise engage the services of any contractor or Sub-Recipient during any period of debarment, suspension or placement of ineligibility status. The City should check all contractors, subcontractors, lower-tier contractors or Sub-Recipients against the Federal publication that lists debarred, suspended and ineligible contractors.

Contractual Scope of Services (6 of 12)

III. Environmental Requirements

The City is responsible for meeting a number of environmental requirements, including environmental reviews, flood insurance, and site and neighborhood standards.

Environmental Review

The City is responsible for undertaking environmental reviews in accordance with the requirements imposed on "recipients" in 24 CFR 58. Reviews must be completed, and Requests for Release of Funds (RROF) submitted to HUD before CDBG/HOME funds are committed for non-exempt activities. Private citizens and organizations may object to the release of funds for CDBG/HOME projects on certain procedural grounds relating to environmental review (see 24 CFR 58.70 - 58.77). To avoid challenges, grantees (the City) and Sub-Recipients (the Provider) should be diligent about meeting procedural requirements.

Flood Insurance

Section 202 of the Flood Disaster Protection Act of 1973 (42 USC 4106): Requires that CDBG/HOME funds shall not be provided to an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazard, unless: The community is participating in the National Flood Insurance Program, or it has been less than a year since the community was designated as having special flood hazards; and Flood insurance is obtained.

IV. Lead-based Paint

On September 15, 1999, the "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule" was published within title 24 of the Code of Federal Regulations as part 35 (24 CFR 35). The regulation was issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X (ten) of the Housing and Community Development Act of 1992. Sections 1012 and 1013 of Title X amended the Lead-Based Paint Poisoning Prevention Act of 1971, which is the basic law covering lead-based paint in federally associated housing.

The regulation sets hazard reduction requirements that give much greater emphasis to reducing lead in house dust. Scientific research has found that exposure to lead in dust is the most common way young children become lead poisoned. Therefore, the new regulation requires dust testing after paint is disturbed to make sure the home is lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the federal government, and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner occupied.

On April 22, 2008, the EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning to protect against the hazards created by exposure to lead dust in existing structures built prior to 1978. Under the rule, all contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and follow specific work practices to prevent lead contamination. This rule (40 CFR Part 745) is enforced as of April 22, 2010. The rule must be executed by all sub-contractors.

Contractual Scope of Services (7 of 12)

Property Exempt from Lead-based paint regulation:

- Housing built since January 1, 1978, when lead paint was banned for residential use;
- Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there;
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories or military barracks;
- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector;
- Property where all lead-based paint has been removed;
- Unoccupied housing that will remain vacant until demolished;
- Non-Residential property; and
- Any rehabilitation or housing improvement that does not disturb a painted surface.

Types of housing subject to 24 CFR 35:

- Federally-Owned housing being sold;
- Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance);
- Public housing;
- Housing occupied by a family (with a child) receiving tenant-based subsidy (such as a voucher or certificate);
- Multifamily housing for which mortgage insurance is being sought; and
- Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs.

If you want copies of the regulation or have general questions, you can call the National Lead Information Center at (800) 424-LEAD, or TDD (800) 526-5456 for the hearing impaired. You can also download the regulation and other educational materials at <http://www.hud.gov/offices/lead/index.cfm>. For further information, you may call HUD at (202) 755-1785, ext. 104, or e-mail HUD at lead_regulations@hud.gov.

V. Displacement, Relocation, Acquisition and Replacement of Housing

CDBG/HOME projects involving acquisition, rehabilitation or demolition may be subject to the provisions of the Uniform Relocation Act (UDA). Demolition or conversion of units with CDBG funds may trigger section 104 (d) (also known as the "Barney Frank Amendment" requirements.)

VI. Compliance with National Objective

The Provider will ensure and maintain evidence that activities assisted with CDBG/HOME funds from the City of Miami Beach comply with the primary National Objective, "Benefit to Low and Moderate Income Persons" and will provide services or activities that benefit at least 51% low and moderate income persons. A low or moderate-income household is defined as: a household having an income equal to or less than the limits cited below. Individuals who are unrelated but are sharing the same household shall each be considered as one-person households.

Contractual Scope of Services (8 of 12)

HUD Income Limits, pending HUD updating:

2015 ADJUSTED CDBG INCOME LIMITS

	1-Person	2-Person	3-Person	4 -Person	5 -Person	6-Person	7 -Person	8-Person
30% Limits	\$14,250	\$16,250	\$20,090	\$24,250	\$28,410	\$32,570	\$36,730	\$40,890
Very Low Income	\$23,700	\$27,100	\$30,500	\$33,850	\$36,600	\$39,300	\$42,000	\$44,700
Low Income	\$37,950	\$43,350	\$48,750	\$54,150	\$58,500	\$62,850	\$67,150	\$71,500

Change Orders/Budget Amendments

The goal should be to limit the use of Change Orders or Budget Amendments. Change Orders and Budget Amendments require prior written approval by the City Manager.

To request a Change Order or Budget Amendment, a written request for changes must be submitted to your Grant Monitor delineating the changes and providing a detailed justification for making the request. Approvals of any changes are at the sole discretion of the City Manager.

No budget amendment will be processed after June 30, 2014 for Public Service Projects. No budget amendment will be processed for Capital Projects Budgets after eighty (80) percent of the available funds have been drawn.

Budget amendments or Change Orders that deviate from the original scope will be rejected and the funds in question may be subject to recapture at the sole discretion of the City Manager.

Compliance with Local Rules, Regulations, Ordinances and Laws

The Sub-Recipient must remain in compliance with all local rules, regulations, ordinances and laws (including having an active business license and the resolution of all Code Compliance and Building Department violations) in addition to those specified in the body of the Agreement. In addition, the Sub-Recipient must not owe any monies to the City at the time of Agreement execution or final release of grant funds. The City will verify with the Finance Department to ensure that no monies are due the City prior to Agreement execution.

Furthermore, the Sub-Recipient must not have any outstanding and/or open Code Compliance or Building Department violations at the time of the Agreement's execution. Any pending issues must be disclosed. Those violations which are open at the time of the Agreement's execution and are expected to remain open for the foreseeable future require the submission and approval of a remediation plan submitted to the City.

Contractual Scope of Services (9 of 12)

Employee/ Contractor File Review

The following documentation must be included in the Sub-Recipient's employee/contractor file for those employees/contractors providing services under this contract.

The following must be included in the employee files:

- Employment Application
- Evidence of degree/credentials
- Job Description Signed by Employee
- Evidence of Required Experience
- Florida Background Criminal Screening, if applicable
- National FBI Background Criminal Screening (Level 2), if applicable
- Affidavit of Good Moral Character, if applicable
- Proof of Knowledge of Policies & Procedures, if applicable
- I-9 Verification on File

The City reserves the right to inspect those employee/contractor files whose salaries are funded in part or in whole by its funds.

Evaluation

In its continuing effort to ensure contract compliance and performance, the City will evaluate the Sub-Recipient in its fulfillment of the terms of this agreement including, but not limited to, the following measures:

- Agreement compliance
- Leverage and fiscal soundness
- Accuracy and timeliness of Monthly Progress Reports
- Accuracy and timeliness of Monthly Financial Reports
- Adherence to project timelines
- Fulfillment of prescribed outcomes

Fiscal Stability

The Sub-Recipient is required to maintain fiscal stability throughout the terms of this Agreement. This is to ensure the Sub-Recipient's ability to fulfill the terms of this Agreement and meeting of the National Objective.

For affordable housing developers, fiscal stability policies are encouraged in anticipation of additional HUD guidance regarding fiscal oversight for rental projects. More so, as projects have extended lives, fiscal stability underscores the long-term viability of the housing units.

Leverage

For HOME-funded projects, the Sub-Recipient must demonstrate the commitment of other sources of funds committed to the City-funded project. Furthermore, all other identified funds must be in place prior to the use of HOME funds.

The documentation that demonstrates this fiscal leverage is the Subsidy Layering Review and underwriting.

Contractual Scope of Services (10 of 12)

Monitoring & Performance Reviews

The City reserves the right to inspect, monitor and/or audit the Sub-Recipient to ensure contractual compliance. This includes, but is not limited to:

- Review of on-site service delivery
- Inspection and review of client, budgetary and employee files (for those employees providing services under this Agreement)

Monitoring visits will take place within 120 days of the commencement of services. The City will notify the Sub-Recipient a minimum of three (3) business days prior to a monitoring visit.

Performance Ratings

The Sub-Recipient agrees that its Performance Rating, the score awarded for performance on the following measures, will be posted on the City's website on an annual basis:

- Timely and accurate submission of Monthly Progress Report
- Timely and accurate submissions of Monthly Financial Reports (reimbursement requests)
- Delivery of contracted service units

Ratings will be given for each performance measure based on the following:

Performance Measure	Rating Rationale & Score
Timely and accurate submission of <i>Monthly Progress Report</i>	<ul style="list-style-type: none"> ➤ "0" for failing to submit on time ➤ "25" for submitting on time
Timely and accurate submissions of <i>Monthly Financial Report</i> (reimbursement requests)	<ul style="list-style-type: none"> ➤ "0" for failing to submit accurate report with back-up material on time ➤ "25" for submitting accurate report on time
Delivery of contracted service units within contracted timeframe	Possible score of 0 to 50 based upon completion of projected service units. Score is pro-rated if total projected service units are not met.

Proformas

Capital projects must submit certified monthly proformas that indicate project funding sources and correlating uses. Proformas must be certified by the preparing party as well as the agency's signatory as reflected within this Agreement.

Reporting Requirements

The Contractor will provide the City with a Monthly Progress Report and Monthly Financial Report by the 10th of the following month. In the event that the 10th of the month lands on a Saturday, Sunday or holiday, the report must be submitted the following business day.

Contractual Scope of Services (11 of 12)

Monthly reports will be submitted via any of the following methods:

- Standard mail
- Hand delivery

Monthly reports will not be considered acceptable unless the following is met:

- Forms are completely and accurately filled
- Necessary back-up materials are included (evidence of expense incurred, invoices, time logs, executed AIA Forms, etc.)
- Reports bear the signature of the person preparing the report and the Sub-Recipient's authorized signatory

Monthly Progress Reports should encapsulate a project's progress in alignment with the funds expended.

Rent Roll Submissions

Sub-Recipients using City funds for the creation or rehabilitation of affordable housing must submit tenant rent rolls within thirty (30) days of meeting the National Objective and every year thereafter for a minimum of fifteen (15) years in adherence with the affordability period required with use of these funds. For completed projects, certified tenant rolls must be submitted annually by November 1st. Tenant rolls must be certified by the Sub-Recipient Agency's authorized signatory.

Those projects with a longer affordability period require annual tenant rolls for the period of affordability established in the City's Restrictive Covenant and/or mortgage. These tenant rolls must be submitted by November 1st of each year of affordability. Tenant rolls must be certified by the Sub-Recipient Agency's authorized signatory.

Retainage

All capital projects utilizing HUD funds are subject to a ten (10) percent retainage that will not be released until the National Objective is met. Retainage will be held as appropriate from all submitted reimbursement requests.

Subsidy Layering Review

All affordable housing projects using CDBG/HOME funds require the completion of an independent Subsidy Layering Review and underwriting. These reviews must be completed prior to the project being submitted via HUD's IDIS system and precedes the incurrence of any related funds. Therefore, no capital projects will be deemed eligible for reimbursement until the Subsidy Layering Review and underwriting have been received and accepted by the City.

The expense for the Subsidy Layering Review and underwriting services are eligible for reimbursement if the project proceeds but is not eligible for reimbursement otherwise.

Contractual Scope of Services (12 of 12)

Timeliness of Reimbursement Requests

Reimbursement requests must be submitted no later than sixty (60) days from the incurrence of the expense. The City will strictly monitor this element. Please note that cancelled checks must be submitted in conjunction with all reimbursement requests. Therefore, the Sub-Recipient should calendar itself accordingly to ensure that reimbursement requests are submitted to the City in a timely manner.

Training Requirements

The Sub-Recipient must ensure that the person responsible for preparing the Monthly Progress Report and Monthly Financial Report attends the City's Sub-Recipient Reporting Training and places the attendance certificate in the employee's personnel file for inspection by the City during its monitoring visit.

Additional Documentation

The following documentation must be submitted with this executed agreement:

- All required insurance certificates
- Copy of current audit
- Copy of required business licenses and permits

Application Scoring (1 of 2)

Minimum requirements for application submission: Applicants submitting applications may be not-for-profit or for-profit corporations or partnerships. Applicants requesting affordable housing acquisition and/or rehabilitation funds must have a minimum of five (5) years of experience in the acquisition and rehabilitation of owner-occupied affordable housing and/or first-time homebuyer programs.

Selection criteria will include, but is not limited to:

1. Ability to provide strong construction management practices and to provide first quality materials, including landscaping if applicable
2. Ability to perform all applicant selection and income certification processes in accordance with local, state, and federal regulations
3. Ability to comply with the City's reporting requirements
4. Total project cost
5. Total number of units
6. Leveraging
7. Ability to conform to the City's plan for spatial de-concentration
8. Ability to provide homeowners with HUD-Certified Homeownership Counseling
9. Ability to provide individualized training to homebuyers on issues such as home maintenance and budgeting
10. Ability to demonstrate that the organization participates in the Welfare Transition Program

The Office of Housing and Community Development will review all responses to the RFP to ensure compliance with the requirements of the RFP as well as under applicable Florida Statutes, Resolutions and the Consolidated Plan. All eligible affordable housing applications will be submitted to the City's Affordable Housing Advisory Committee and reviewed with HOME submissions. All applications for funding will be reviewed by the Affordable Housing Advisory Committee Committee in accordance with the criteria as outlined in the RFP.

Sections within the RFP are weighted and their respective values are noted below:

Section/Tab	Maximum Points
Applicant Info(rmation)	5
Project Overview	20
Project Impact	20
Applicant Experience	25
Project Budget	20
Sources & Uses	5
Priority Alignment	5
MAXIMUM POSSIBLE SCORE	100

Application Scoring (2 of 2)

Applicant Information

Information provided must be complete and accurate and include the required attachments.

Project Overview

This section provides overall summary of the project from an objective and fiscal context. Please ensure to be succinct but clear about your proposed project as well as indicate the community-based partners who will help you achieve your proposal. Make sure to complete the Objective, Outcome and Activity Code section. Double-check for accuracy.

Project Impact

This is the section that most describes the viability, impact, purpose and overall leverage for your project within a holistic context. In this section, please ensure to provide operational details for your project including specific beneficiaries, eligibility criteria, timelines, progress measures and outcome measures. If your project creates secondary benefits, i.e. creates new jobs or sustainable services for an area, provide such detail.

Applicant Experience

This section provides the applicant an opportunity to sell themselves as worthy recipients of public resources. Be specific in providing achievements, success stories, experience and expertise.

Project Budget

The project budget must be sound, practical, achievable and sustainable. Your budget should provide the fiscal perspective of what was described in your project Overview and Project Impact sections.

Sources & Uses

This section serves to detail the Project Budget section by assigning costs to specific funding sources. Assignments should comply with funding source guidelines.

Priority Alignment

This section enables the applicant to identify the proposed project's alignment to the City's *Strategic Plan*. For more information about the City's *Strategic Plan*, visit www.miamibeachfl.gov

HUD FY 2015 Income Tables for the City of Miami Beach

2015 ADJUSTED CDBG INCOME LIMITS

	1-Person	2-Person	3-Person	4 -Person	5 -Person	6-Person	7 -Person	8-Person
30% Limits	\$14,250	\$16,250	\$20,090	\$24,250	\$28,410	\$32,570	\$36,730	\$40,890
Very Low Income	\$23,700	\$27,100	\$30,500	\$33,850	\$36,600	\$39,300	\$42,000	\$44,700
Low Income	\$37,950	\$43,350	\$48,750	\$54,150	\$58,500	\$62,850	\$67,150	\$71,500

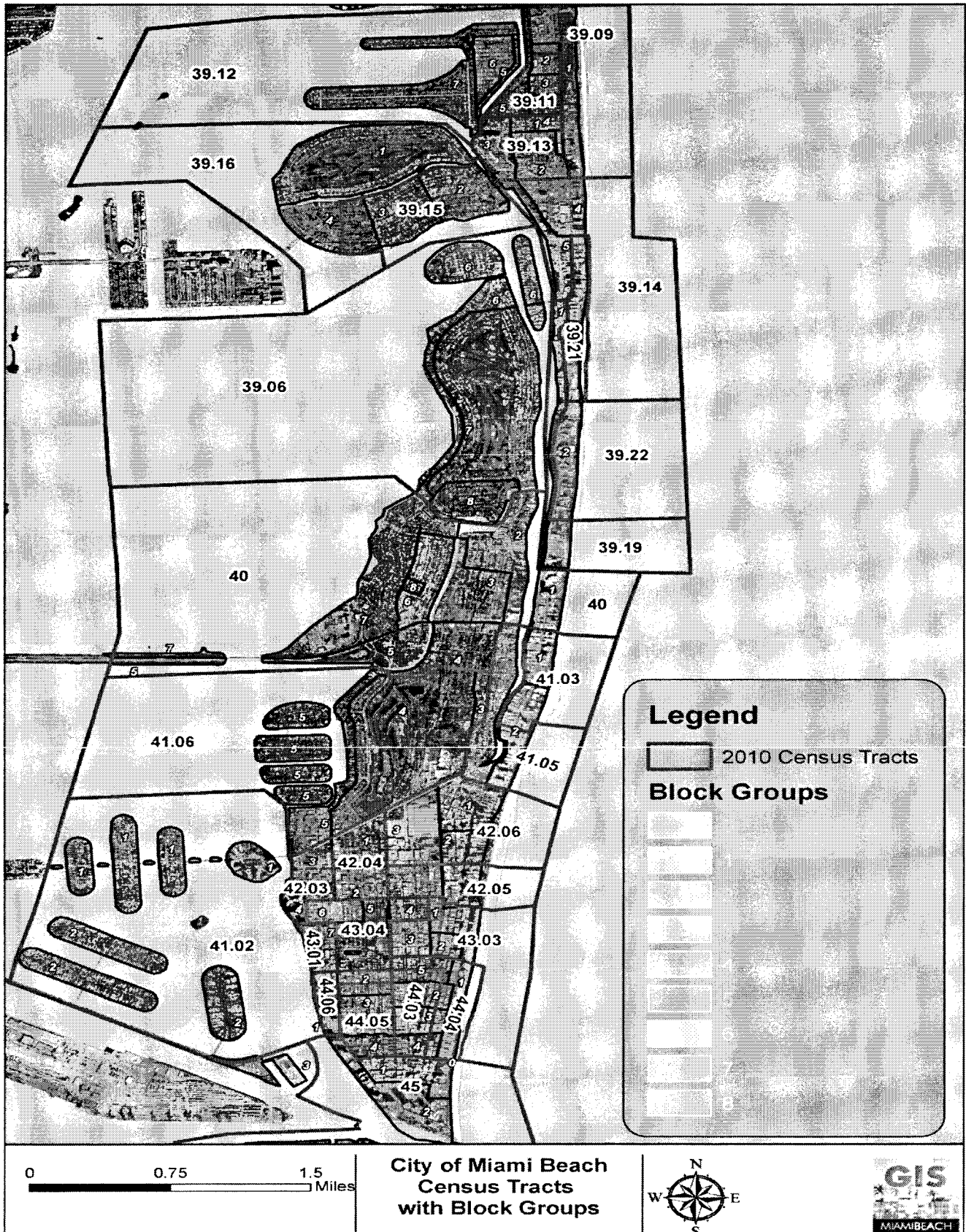
City of Miami Beach Census Tracts (1 of 2)

State Code	County Code	Tract Code	Tract Income Level	2010 MSA/MD Statewide non-MSA/MD Median Family Income	2015 FFIEC Est. MSA/MD non-MSA/MD Median Family Income	% Below Poverty Line	Tract Median Family Income %	2010 Tract Median Family Income	2015 Est. Tract Median Family Income	2010 Tract Median Household Income
12	86	39.06	Upper	\$50,065	\$49,900	7.77	374.27	\$187,381	\$186,761	\$170,417
12	86	39.09	Moderate	\$50,065	\$49,900	30.46	52.1	\$26,087	\$25,998	\$37,629
12	86	39.11	Middle	\$50,065	\$49,900	15.95	91.57	\$45,846	\$45,693	\$30,156
12	86	39.12	Middle	\$50,065	\$49,900	10.81	84.23	\$42,171	\$42,031	\$41,292
12	86	39.13	Moderate	\$50,065	\$49,900	18.48	67.67	\$33,882	\$33,767	\$32,707
12	86	39.14	Middle	\$50,065	\$49,900	8.85	86.55	\$43,333	\$43,188	\$38,495
12	86	39.15	Moderate	\$50,065	\$49,900	18.95	71.92	\$36,008	\$35,888	\$29,710
12	86	39.16	Middle	\$50,065	\$49,900	24.33	80.41	\$40,260	\$40,125	\$31,937
12	86	39.17	Upper	\$50,065	\$49,900	6.71	124.38	\$62,273	\$62,066	\$47,675
12	86	39.18	Middle	\$50,065	\$49,900	15.46	113.23	\$56,693	\$56,502	\$55,833
12	86	39.19	Upper	\$50,065	\$49,900	8.11	222.11	\$111,204	\$110,833	\$79,185
12	86	39.21	Middle	\$50,065	\$49,900	10.61	116.45	\$58,301	\$58,109	\$38,412
12	86	39.22	Upper	\$50,065	\$49,900	3.24	195.5	\$97,880	\$97,555	\$121,103
12	86	40	Upper	\$50,065	\$49,900	10.11	208.77	\$104,522	\$104,176	\$89,609
12	86	41.02	Upper	\$50,065	\$49,900	5.49	273.98	\$137,171	\$136,716	\$90,694
12	86	41.03	Middle	\$50,065	\$49,900	20.86	83.99	\$42,050	\$41,911	\$39,075
12	86	41.05	Upper	\$50,065	\$49,900	10.26	191.67	\$95,962	\$95,643	\$85,217
12	86	41.06	Upper	\$50,065	\$49,900	2.43	165.74	\$82,981	\$82,704	\$84,567
12	86	42.03	Middle	\$50,065	\$49,900	13.92	84.88	\$42,500	\$42,355	\$42,159
12	86	42.04	Moderate	\$50,065	\$49,900	14.72	69.8	\$34,946	\$34,830	\$34,951
12	86	42.05	Middle	\$50,065	\$49,900	20.19	96.93	\$48,533	\$48,368	\$40,866
12	86	42.06	Middle	\$50,065	\$49,900	28.05	89.77	\$44,944	\$44,795	\$48,088
12	86	43.01	Upper	\$50,065	\$49,900	7.99	204.99	\$102,632	\$102,290	\$52,475
12	86	43.03	Middle	\$50,065	\$49,900	17.97	81.03	\$40,571	\$40,434	\$41,477
12	86	43.04	Moderate	\$50,065	\$49,900	19.96	77.07	\$38,589	\$38,458	\$51,941
12	86	44.03	Upper	\$50,065	\$49,900	22.53	124.21	\$62,188	\$61,981	\$28,407
12	86	44.04	Low	\$50,065	\$49,900	36.93	30.98	\$15,515	\$15,459	\$15,488
12	86	44.05	Moderate	\$50,065	\$49,900	31.5	54.36	\$27,216	\$27,126	\$22,247
12	86	44.06	Middle	\$50,065	\$49,900	12.99	88.13	\$44,125	\$43,977	\$43,638
12	86	45	Upper	\$50,065	\$49,900	20.24	253.42	\$126,875	\$126,457	\$76,056

City of Miami Beach Census Tracts (2 of 2)

Tract Population	Tract Minority %	Number of Families	# of House- holds	Non-Hisp White Population	Tract Minority Population	American Indian Pop- ulation	Asian/ Hawaiian/ Pacific Islander Population	Black Pop- ulation	Hispanic Population	Other Population/ Two or More Races
2699	32.6	688	934	1819	880	4	20	29	793	34
1584	72.85	282	841	430	1154	0	16	92	1027	19
4106	79.08	923	1764	859	3247	12	37	141	2992	65
4237	77.13	1083	1622	969	3268	2	76	269	2875	46
4298	80.22	1080	2019	850	3448	9	51	142	3198	48
3812	73.85	746	1980	997	2815	5	37	107	2619	47
4953	76.9	1115	2216	1144	3809	5	54	143	3545	62
3790	73.14	959	1536	1018	2772	2	65	210	2433	62
4382	70.79	1160	2108	1280	3102	4	140	205	2661	92
2755	66.21	505	1034	931	1824	2	149	150	1478	45
2991	51.12	684	1293	1462	1529	2	36	39	1397	55
2612	67.69	671	1504	844	1768	0	40	42	1653	33
1932	62.01	530	1031	734	1198	1	27	18	1134	18
5062	32.87	1171	2081	3398	1664	4	142	92	1381	45
3127	34.86	665	1575	2037	1090	2	51	46	946	45
2733	69.15	226	1460	843	1890	2	45	88	1722	33
2930	54.61	720	1562	1330	1600	3	52	65	1446	34
3152	33.19	652	1545	2106	1046	0	63	54	894	35
4825	47.59	716	2491	2529	2296	6	142	171	1860	117
2158	65.11	380	1267	753	1405	4	42	75	1246	38
2625	56.84	351	1421	1133	1492	5	64	69	1323	31
1836	66.18	362	1050	621	1215	0	39	63	1086	27
2389	50.73	444	1576	1177	1212	3	57	62	1035	55
2436	63.1	469	1632	899	1537	6	61	104	1324	42
2327	57.63	389	1413	986	1341	3	46	53	1204	35
2944	65.52	281	1665	1015	1929	4	62	193	1613	57
2014	61.62	375	1375	773	1241	2	26	36	1148	29
3000	71.33	501	1933	860	2140	1	47	120	1918	54
2978	51.88	357	1761	1433	1545	8	95	95	1293	54
4302	40.19	717	2051	2573	1729	0	104	92	1465	68

City of Miami Beach Census Map (1 of 1)



Uniform Relocation Assistance (URA)

If a project proposed in response to this RFP includes the purchase of a building or an offer to purchase a building which is occupied, the tenants are entitled to the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The following information is provided to assist the applicant in complying with the URA.

- 1. URA preparation needs to start early.** A URA notice needs to be given to the Seller when the purchase offer/option is made.
- 2. HUD and the City of Miami Beach care about this.** Developers who are working on HUD-funded projects need to understand that the URA is basic consumer legislation that addresses "fairness" issues. Tenants whose living circumstances are changed by a project - either by higher rents or involuntary moves - must be protected and compensated.
- 3. The relocation rules are not all one-sided.** There are actions that can be taken to control costs and prevent displacement. These actions include informing tenants about the project, treating them fairly during the process, staging work if it is feasible, and keeping their rents affordable. Tenants must continue to pay rent and comply with the lease during the process.
- 4. Mistakes can be costly.** Planning for relocation and tenant concerns is critical because grantees, owners and developers can all take actions which can incur a financial liability. Displaced tenants are entitled to 42 or 60 months of rental assistance depending on the situation. Many claims exceed \$10,000. Although some claims are unavoidable, there is no reason to incur these costs by failure to follow the rules.
- 5. Planning is critical.** Relocation concerns must be thought out early in the process so decisions about rents, construction timing and project feasibility can be considered before they are a crisis.
- 6. Cooperation is Essential.** All parties involved in the project must do the right thing in order to make the process work. The Developer and the City must work together.
- 7. There are three basic requirements for tenants in rental rehabilitation projects.** They must be given timely information about the pending application. If the project is approved, they must be advised about any changes that will occur to their situation. If they are not advised - and move - they could claim that they were displaced even if that was not intended and they could be eligible for considerable financial compensation. If they must be displaced, they must be offered a comparable replacement unit (as defined by HUD). Moving expenses must be paid. No one can be required to move without 90 days notice. Tenants who will stay in the property after work is complete must be offered a suitable unit that is affordable to them.

Applicant Information

Applicant Name: _____
 Applicant Address: _____
 Telephone Number: _____ Fax Number: _____
 Executive Director: _____ E-Mail Address: _____
 Contact Person: _____ E-Mail Address: _____
 Board Secretary: _____ E-Mail Address: _____
 Employer Identification Number: _____ Corporate Status: _____
 Is applicant a CHDO for the City of Miami Beach: _____ Submission Code: _____

Required Attachments

Applicant's Articles of Incorporation
 Internal Revenue Services (IRS) Designation Letter
 Current Board of Director's Membership with Professional Affiliations

Proposed Project Summary

Project Category: _____
 National Objectives: _____
 # of Project Beneficiaries: _____
 Project Budget: \$ _____ Agency Budget: \$ _____
 Amount of Secured Funding: \$ _____
 Amount of Funding Requested from City: \$ _____

Recommended Attachments

For Affordable Housing Projects Only: Subsidy Layering Review completed within past sixty (60) days

Applicant Certification

On behalf of the applicant organization, we certify that all of the information contained in this application is true and accurate. We further understand that the material omission or inclusion of false information contained in this application constitutes grounds for disqualification of the application and Applicant. We further understand that by submitting an application, we, as the authorized representatives for the organization, are accepting the terms and conditions as they appear in the Request For Proposals February 2015.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

City of Miami Beach Use Only

Project Funding Level:	#DIV/0!	Cost P/Unit:	#DIV/0!
City Funding Level:	#DIV/0!	Project Outlook:	#DIV/0!

SCORE RANGE FOR SECTION

5 Points

City of Miami Beach/
Housing and Community Services

Submission Checklist

Please verify that the following has been completed and submitted by the submission deadline as noted:

Item/Attachment	Status
Applicant Info(rmation) (Signatures Needed) - Required	
Submission Checklist (Signatures Needed) - Required	
Project Overview - Required	
National Objective - Required	
Project Impact - Required	
Applicant Experience - Required	
Project Budget - Required	
Sources & Uses (Signatures Needed) - Required	
Priority Alignment - Required	
Affidavit 1 (Signatures Needed) - Required	
Affidavit 2 (Signatures Needed) - Required	
Affidavit 3 (Signatures Needed) - Required	
Certification 1 (Signatures Needed) - Required	
Certification 2 (Signatures Needed) - Required	
Certification 3 (Signatures Needed) - Required	
Certification 4 (Signatures Needed) - Required	
Certification 5 (Signatures Needed) - Required	
Certification 6 (Signatures Needed) - Required	
Certification 7 (Signatures Needed) - Required	
Applicant's Articles of Incorporation - Required	
Applicant's Internal Revenue Services Designation Letter - Required	
Current Board of Director's with Professional Affiliations - Required	
For Capital Projects Only: Physical Needs Assessment - Recommended	
Applicant Agency's Last Two Annual Audits including Management Letters- Required	
Evidence of Matching Funds/Leverage - Required	
For Capital Projects Only: Subsidy Layering Review - Optional	
For Capital Projects Only: Project Renderings - Optional	

Signature of Preparing Party/ Date
Name/Title: _____

Signature of Authorizing Party/ Date
Name/Title: _____

Project Overview

Applicant: 0

Project Synopsis

In the space below, provide a brief synopsis of your proposed project including current status, location, scope and beneficiaries.

Project Measures

Objective:

Outcomes:

Activity Code:

Project Partners

Please list the entities providing cash, financing and other support to proposed project.

Entity	Support Type	Support Value
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
Total Value of Project Investment		\$ -

City of Miami Beach Use Only

Fiscal Check: #DIV/0!

SCORE RANGE FOR SECTION

20 Points

City of Miami Beach/
Housing and Community Services

National Objectives

CDBG-funded activities must meet one of three National Objectives. Please check one:

- ☐ Check Box 1 **National Objective A:** Principally benefits low and moderate income persons
- ☐ Check Box 2 **National Objective B:** Aids in the prevention or elimination of slums or blight
- ☐ Check Box 3 **National Objective C:** Qualifies as an urgent need

If National Objective A is selected above, please select one subcategory below to describe proposed activity:

- ☐ Check Box 4 **Area Benefit Activities** are those carried out in a neighborhood consisting predominantly of LMI persons and providing services for such persons, yet could be available to other non-income-eligible persons in the area
- ☐ Check Box 5 **Limited Clientele Activities** are those which benefit a specific group of people (rather than all the residents in a particular area) who are, or presumed to be, income eligible. The specific groups presumed by HUD to be income-eligible include: abused children, battered persons, elderly persons, handicapped persons, homeless persons, illiterate persons, migrant farm workers, and persons living with AIDS.
- ☐ Check Box 6 **Income Eligible Housing Activities** add or improve a permanent residential structure wherein, upon completion, income eligible persons will occupy 51% or more of the housing units
- ☐ Check Box 7 **Job Creation or Retention Activities** create or retain permanent jobs, of which at least 51% are either taken by or available to income eligible persons

Project Impact (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. Describe the scope of your proposed project including a summary of planned service goals including beneficiaries.
2. Describe the impact of your project on the immediate neighborhood and possible jobs created (temporary and permanent).

SCORE RANGE FOR SECTION

10 Points

Project Impact (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. For Affordable Housing Projects: Describe if tenants will be relocated and, if so, summarize relocation plan.
2. Provide a brief project timeline.

SCORE RANGE FOR SECTION

10 Points

Applicant Experience (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Describe experience in providing the service proposed.
2. Provide specific examples of successful projects.

SCORE RANGE FOR SECTION

10 Points

Applicant Experience (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Fiscal capacity to successfully complete project including previous receipt of HUD funds. Provide specific examples.

SCORE RANGE FOR SECTION

15 Points

Project Budget

Applicant: 0

[illegible]

In the space below, please provide detail for any line item with "other" in category title.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/Date

Name/Title:

SCORE RANGE FOR SECTION

20 Points

City of Miami Beach/
Housing and Community Services

Sources & Uses of Project Funds

Applicant: 0

0

[illegible]

Please use next page if necessary.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/Date

Name/Title:

SCORE RANGE FOR SECTION

5 Points

City of Miami Beach/
Housing and Community Services

Priority Alignment

Funding Category:



Project Location:



Beneficiaries (List All):



The City of Miami Beach has achieved a great deal by staying focused on its mission, vision and strategic priorities. By using performance measurements to gauge how well it is managing resources and delivering services, the City has areas that have seen significant improvements since its plan was chartered.

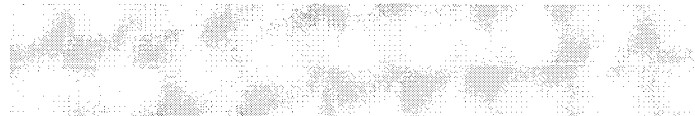
As a recipient of public resources, please indicate below how your project aligns with the City's Strategic Plan. At a minimum, you must select one Key Intended Outcome (KIO) that your project will address. Extra points will be awarded for your ability to address additional KIOs.

Please note that awarded projects will be required to measure and report their progress on meeting identified KIO goals.

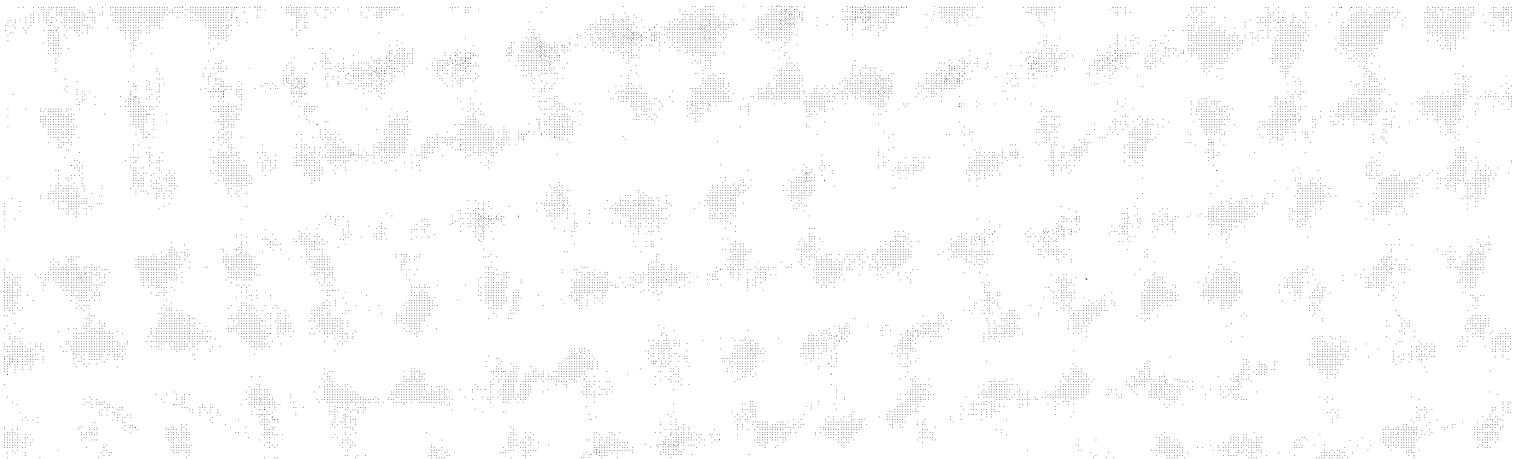
Primary KIO Proposed Project Will Address:

Secondary KIO Proposed Project Will Address:

Tertiary KIO Proposed Project Will Address:



In the space provided below, please describe the measures you will use to quantify your impact on the selected KIOs above. Please note that all measures must be numerical in nature, i.e., the number of units developed, the number of tenants served.



SCORE RANGE FOR SECTION

5 Points

Acknowledgement of Application Submission

Applicant: 0

As the duly authorized signatory and preparer, respectively, for the agency listed above, we have read the City of Miami Beach Request For Proposals for Annual Federal Entitlement Funds and agree to the terms, specific limitations, and conditions expressed herein. In addition, we have read, relied upon, acknowledge, and accept the City's Disclosure Disclaimer as attached.

Further, if our proposed project includes the rehabilitation or construction of a residential building that is currently occupied, we hereby authorize the staff of the City of Miami Beach Office of Housing and Community Development to enter the premises and interview residents. We realize that the purpose of the interviews is to determine the estimated amount of relocation assistance that may be needed.

By signing below, the undersigned acknowledge that they have read and understand the Certifications attached hereto and labeled as "Affidavits" and, if awarded CDBG and/or HOME funds, the Applicant will be able to comply fully with the provisions of those certifications and will be able to comply with all additional applicable federal, state and local requirements, including procurement and financial management. Applicant also acknowledges that if a funding recommendation is made for less than the full amount applied for, additional documentation including a revised budget, scope of work and sources and uses may be requested prior to final finding determinations.

The City of Miami Beach reserves the right to verify that the authorized signatures above are authorized to bind the Applicant and may require Applicant to submit documentation verifying such authority.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Affidavit of Compliance with Federal, State and Local Regulations

Applicant: 0

The undersigned certify that the information in this application is true and correct. The undersigned further certify that they are aware that if the City of Miami Beach finds that the applicant agency or undersigned have engaged in fraudulent actions or intentionally misrepresented facts on this application, this application will be rejected and the applicant agency may be unable to participate in any City-funded program for two (2) complete fiscal years.

If applying for HOME Investments Partnership Program/Community Development Block Grant funds, the applicant via the undersigned certify that it has read, understands and agrees to comply with the provisions of 24 CFR 92, and all federal regulations issued thereto by the United States Department of Housing and Urban Development (HUD).

The undersigned understand and agree to abide by the provisions of the applicable, federal, state and local regulations and laws.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

Disclosure and Disclaimer

Applicant: 0

This Request for Proposals (RFP) is being furnished to the applicant by the City of Miami Beach (City) for the applicant's information and convenience. Any action taken by the City in response to applications made pursuant to this RFP or in making any award or in failing or refusing to make any award pursuant to such applications, or in canceling awards, or in withdrawing or canceling this RFP, either before or after issuance of an award(s), shall be without any liability on the part of the City. The contents of this RFP are neither warranted nor guaranteed by the City. Applicants interested in pursuing this development opportunity are urged to make such evaluations as they deem advisable and to reach independent conclusions concerning statements made in this RFP and any supplements thereto. The City reserves the right to reject any and all applications for any reason, or for no reason, without any resultant liability to the City.

In its sole discretion, the City may withdraw the RFP either before or after receiving applications, may accept or reject applications, and may accept applications which deviate from the RFP as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting applications in response to this RFP.

Following submission of an application, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the application and the applicant including the applicant's affiliates, officers, directors, shareholders, partners and employees as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective housing development entities. It is the responsibility of the applicant to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this RFP.

Any reliance on these contents, or on any communications with City officials, shall be at the applicant's own risk. Prospective applicants should rely exclusively on their own investigations, interpretations and analyses. The RFP is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any application conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this RFP, the selection and the award process or whether any award will be made. Any applicant to this RFP who responds hereto fully acknowledges all the provisions of this disclosure and disclaimer, is totally relying on this disclosure and disclaimer, and agrees to be bound by the terms hereof. Any applications submitted to the City or its advisors pursuant to this RFP are submitted at the sole risk and responsibility of the party submitting such application.

This RFP is made subject to correction of errors, omissions, or withdrawal without notice. Information is for guidance only and does not constitute all or any part of an agreement.

The City and all applicants will be bound only as, if and when an application, as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties.

Disclosure and Disclaimer

Applicant: 0

Any response to this RFP may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all applications and supporting documents shall be subject to disclosure as required by such law. All documents received by the City shall become public records.

Applicants are expected to make all disclosures and declarations as requested in this RFP. By submission of an application, the applicant acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the application, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each applicant certifies that the information contained in the application is true, accurate and complete to the best of its knowledge and belief.

Notwithstanding the foregoing or anything contained in the RFP, all applicants agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this RFP or any response thereto or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this disclosure and disclaimer which imposes no liability on the City.

In the event of any differences in language between this disclosure and disclaimer and the balance of the RFP, it is understood that the provisions of this disclosure and disclaimer shall always govern. The RFP and any disputes arising from the RFP shall be governed by and construed in accordance with the laws of the State of Florida.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

FY 16/17 Certification Regarding Lobbying Activities

Applicant: 0

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all individuals receiving sub-awards shall certify and disclose accordingly.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

FY 16/17 Drug-Free Workplace Requirements

Applicant: 0

The Provider shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

Site 1 Address:  

Site 2 Address:  

Site 3 Address:  

Signature of Preparing Party/ Date
Name/Title: 

Signature of Authorizing Party/ Date
Name/Title: 

Signature of Board Chair/ Date
Name/Title: 

Signature of Board Secretary/ Date
Name/Title: 

FY 16/17 Acknowledgement of Disability Nondiscrimination Affidavit

Applicant: 0

I, _____, being duly first sworn state that the above named form, corporation or organization is in compliance with and agrees to continue to comply with, and assure that any subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

- The Americans with Disabilities Act of 1990 (ADA): Pub. L. 101-336, 104 Stat 327, 42 U.S.C. 12101-12213 and 547 U.S.C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

- The Rehabilitation Act of 1973: 29 U.S.C. Section 794.
- The Federal Transit Act, as amended: 49 U.S.C. Section 1612.
- The Fair Housing Act as amended: 42 U.S.C. Section 3601-3631.

SUBSCRIBED AND SWORN TO (or affirmed) before me on _____ by _____
(Date)

_____. He/She is personally known to me or has
(Affiant)
presented _____ as identification.

(Type of identification)

Signature of Notary

Serial Number

The City of Miami Beach will not award a contract to any firm, corporation or organization that fails to complete and submit this Affidavit with the firm, corporation or organization's bid or application or fails to have this Affidavit on file with the City of Miami Beach.

Lead-Based Paint Certification

Applicant: 0

Applicability:

- A. The lead based paint rule applies to CDBG-funded housing activities involving construction, purchase and rehabilitation.
- B. The following housing rehabilitation activities are excepted:
 - 1. Emergency repairs (but not lead based paint-related emergency repairs)
 - 2. Weatherizing
 - 3. Water and/or sewer hookups
 - 4. Installation of security devices
 - 5. Facilitation of tax exempt bond issuances for funds
 - 6. Other single-purpose activities that do not include physical repairs or remodeling of applicable surfaces
 - 7. Other activities that do not involve applicable surfaces and do not exceed \$3,000 per unit.

Inspection and Testing Requirements:

The Provider shall be required to test the lead content of chewable surfaces of an apartment building to be rehabilitated, if there is a family residing in one of the units with a child under seven years of age with an identified elevated blood level condition (concentration of lead in blood of 25 micrograms per deciliter or greater) and the building was constructed prior to 1978.

Chewable surfaces are defined as all exterior surfaces of a residential structure, up to five feet from the floor or ground, such as: a wall, stairs, deck, porch, railing, windows or doors that are readily accessible to children under seven years of age, and all interior surfaces of a residential structure.

Lead content shall be tested by using an x-ray fluorescence analyzer or other method approved by HUD. Test readings of 1 mg/cm or higher shall be considered positive for presence of lead based paint.

Required Treatment:

Treatment of lead based paint conditions must be included as part of the proposed rehabilitation work. All chewable surfaces in any room found to contain lead based paint must be treated before final inspection and approval of work. Similarly, all exterior chewable surfaces must be treated when they are found to contain lead based paint.

Minimum treatment involves covering or removing the painted surfaces. Washing and repainting without thorough removal or covering does not constitute adequate treatment. Covering can be achieved by adding a layer of gypsum wallboard or fiberglass cloth barrier. Depending on the wall condition, permanently attached, non-strippable wallpaper may be applied. Covering or replacing trim surfaces is also permitted. Removal can be accomplished by scraping, heat treatment (infrared or coil type heat guns) or chemicals. Machine sanding and propane torch use are not allowed.

I hereby acknowledge that I have read the specific requirements for lead based paint contained in this Certification, and understand that my organization's project eligibility depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date
Name/Title: _____

Signature of Authorizing Party/ Date
Name/Title: _____

Signature of Board Chair/ Date
Name/Title: _____

Signature of Board Secretary/ Date
Name/Title: _____

Certification Regarding Religious Activities

Applicant: 0

In accordance with First Amendment of the U.S. Constitution - "church/state principles", CDBG assistance may not, as a general rule, be provided to primarily religious entities for any secular or religious activities.

Therefore, the following restrictions and limitations apply to any provider which represents that it is, or may be deemed to be, a religious or denominational institution or an organization operated for religious purposes which is supervised or controlled by or operates in connection with a religious or denominational institution or organization.

A religious entity that applies for and is awarded CDBG funds for public service activities must agree to the following:

1. It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
2. It will not discriminate against any person applying for such public services on the basis of religion and will not limit such services or give preference to persons on the basis of religion;
3. It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of such public services;
4. The portion of a facility used to provide public services assisted in whole or in part under this Agreement shall contain no sectarian or religious symbols or decorations; and

The funds received under this Agreement shall not be used to construct, rehabilitate, or restore any facility which is owned by the Provider and in which the public services are to be provided. However, minor repairs may be made if such repairs are directly related to the public services; are located in a structure used exclusively for non-religious purposes; and constitute, in dollar terms, only a minor portion of the CDBG expenditure for the public services.

I hereby acknowledge that I have read the specific requirements contained in this Certification, and that eligibility of my organization's project depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

Certification Regarding CDBG-Funded Construction & Rehabilitation Projects (1 of 2)

Applicant: 0

If the Provider anticipates using CDBG funds for construction or rehabilitation, the following federal and City of Miami Beach requirements must be acknowledged:

A. All construction or rehabilitation plans and specifications for the project must be approved by the City's departments of: Planning; Office of Real Estate, Housing & Community Development; Public Works; Building; Code Compliance; and Fire. If the project is located in the Miami Beach Architectural District, or affects a building listed or eligible for listing on the National Register of Historic Places, all plans and specifications must be approved by the State Historic Preservation Office (SHPO), in accordance with the Memorandum of Understanding between the SHPO and the City.

B. The City shall not be obligated to pay any funds to the project prior to the completion by the City of an environmental review of the project, and said review is approved by any government agencies as may be required by law.

C. The Provider will assure all wages paid to construction workers by it or its subcontractors are in compliance with federal, state and local labor requirements. The Provider agrees to include in the construction bid specifications in connection with this agreement the applicable Federal Wage Determination assigned to this project by HUD. The Provider must also inform his contractor/subcontractors that they will be required to submit documents after a city-conducted pre-construction conference and prior to construction. Weekly and/or monthly reports must be submitted thereafter, as required by the federal government.

D. The Provider agrees to comply with, and to assure that its subcontractors comply with, the federal Office of Management and Budget (OMB) Circular Number A-102 Attachment E for programs funded in whole or in part by CDBG funds; with federal OMB Circular A-102 Attachment O for the procurement of supplies, equipment, construction and services; and with Federal Management Circular A-87; or any other applicable OMB circular.

E. Pursuant to Section 109 of the Act, the Provider specifically agrees that no person shall be denied the benefits of the program on the grounds of race, color, sex, religion or national origin.

F. The Provider agrees, on its own behalf and on behalf of its contractors and subcontractors, to take affirmative action in attempting to employ low income and minority persons, as mandated by law.

G. As required by OMB Circular Number A-102, and by Florida Statutes Section 287.055, professional services must be competitively selected. The competitive selection process must include a public advertisement; issuance of a request for application and a competitive review based on uniform criteria. Selection criteria must consider the basic qualifications, professional competence, experience and suitability of each firm. Fees for professional services must be requested as a fixed sum and not stated as a percentage of construction costs.

H. All documents, bid specifications, notices and construction drawings must be submitted for the review and approval of the Neighborhood Services Department prior to public advertisement.

Certification Regarding CDBG-Funded Construction & Rehabilitation Projects (2 of 2)

I. The bidding process for construction contracts must include a formal advertisement, published in The Miami Review, Dodge Reports and The Miami Builder's Exchange. This announcement must include the following:

1. The date, time and place that bid documents are available, and the same information for any pre-bid conferences and receipt of bids.

2. The requirement of bid surety in the amount of ten percent (10%) of the bid, and a performance and payment bond equal to 100% of the award.

3. A standard statement regarding the "in whole or in part" federal funding of the project and the various applicable federal regulations.

J. The City reserves the right to be present at the time of bid openings. If City CDBG monies are the sole funding source, the City may require that bids be received and opened by the City's Procurement Department.

K. The Provider agrees to submit to the City's Office of Real Estate, Housing & Community Development all documentation of the steps followed in the selection of professional services and construction contracts.

L. The Provider agrees to specify a time of completion and include a liquidated damage clause in all construction contracts. Cost plus a percentage of cost, and percentage of construction cost contracts will not be permitted.

M. If the Provider is awarded CDBG funds, other conditions and requirements will be specified in the funding agreement.

N. The Provider agrees that it will not start construction until an official "Notice to Proceed" has been issued.

O. Pursuant to 570.608 of the CDBG Regulations, and the new provisions in the Economic and Community Development Act of 1974 as amended, the Provider agrees to comply with the inspection, notification, testing and abatement procedures concerning lead-based paint.

I hereby acknowledge that I have read the specific requirements contained in this Certification, and that eligibility of my organization's project depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

Section 3 Certification

Applicant: 0

All contractors submitting bids or proposals to the City of Miami Beach are required to certify that they comply with the requirements of Section 3. The Section 3 Contract Clause specifies the requirements for contractors hired for Section 3 covered projects.

TRAINING, EMPLOYMENT AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND THE LOW- AND VERY LOW-INCOME AREA RESIDENTS.

A. The project assisted under this (contract/agreement) is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S. C. 170U. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

B. Notwithstanding any other provision of this (contract/agreement), the (recipient/contractor) shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this (contract/agreement). The requirements of said regulations include but are not limited to development and implementation of a Section 3 Opportunity Plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulation, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Section 135.20 (b) of the regulations in all contracts (subcontracts) for work in connection with the project. The (recipient/contractor) certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

C. The (recipient/contractor) shall provide a status report identifying its progress in meeting the Section 3 goals as established in its Section 3 Opportunities Plan on a monthly basis throughout the (contract/agreement) period. The monthly report shall be submitted no later than 10 days after the end of each calendar month of the contract (i.e., January 10 for December).

D. Compliance with the provision of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this (contract/agreement), shall be a condition of the Federal financial assistance provided to the project, binding upon the (recipient/contractor), its successors and assigns. Failure to fulfill these requirements shall subject the (recipient/contractor), its contractors and subcontractors, its successors, and assigns to the sanctions specified by the (contract/agreement), and to such sanctions as are specified by 24 CFR Section 135.

Signature of Authorized Individual

Title

Date

Print Name

Place Notary Stamp Here

Sworn to and subscribed before me
This _____ day of _____
_____ 20__.

Notary Public



MIAMI BEACH

City of Miami Beach
Request for Proposals (RFP)
FY 16/17 HOME Investment Partnership (HOME) Funds

Deadline for Submissions:
Friday, March 11, 2016 at 3:00pm

Applications must be received by 3:00pm on Friday, March 11, 2016. Any application received after that time will not be considered. The responsibility for submitting applications on or before the stated time and date is solely the responsibility of the Applicant. The City will not be responsible for delays caused by mail, courier services or any other entity or occurrence.

City of Miami Beach
Office of Housing & Community Services
555 -17th Street
Miami Beach, Florida 33139

Telephone: 305-673-7260
Website: www.miamibeachfl.gov

Fax: 305-604-2421
Email: mariaruiiz@miamibeachfl.gov

City of Miami Beach/
Housing and Community Services



MIAMI BEACH

Mayor & Members of the City Commission:

Philip Levine, Mayor
John Elizabeth Aleman, Commissioner
Ricky Arriola, Commissioner
Michael Grieco, Commissioner
Kristen Rosen Gonzalez, Commissioner
Joy Malakoff, Commissioner
Micky Steinberg, Commissioner

City Administration:

Jimmy L. Morales, City Manager
Kathie G. Brooks, Assistant City Manager
Eric Carpenter, Assistant City Manager
Mark Taxis, Assistant City Manager
Susy Torriente, Assistant City Manager

Housing & Community Development Staff:

Maria L. Ruiz, Director
A. Richard Bowman, HOME Coordinator
Tatiana Escobar, CDBG Coordinator
Alice Waters, Financial Analyst
Viviana Alemany, Senior Projects Coordinator
Omar Barrera, Office Associate V
Gianina Ghirardi, Office Associate III

"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

Our Vision

The City of Miami Beach will be:

- Cleaner and Safer;
- More Beautiful and Vibrant;
- A Mature, Stable Residential Community with Well-improved Infrastructure;
- A Unique Urban and Historic Environment;
- A Cultural, Entertainment, Tourism Capital; and
- An International Center for Innovation in Culture, Recreation and Business.

Our Values

- We maintain the City of Miami Beach as a world-class city.
- We work as a cooperative team of well-trained professionals.
- We serve the public with dignity and respect.
- We conduct the business of the City with honesty, integrity, and dedication.
- We are ambassadors of good will to our residents, visitors, and the business community.

Notice of Funding Availability (1 of 3)

The City of Miami Beach is an entitlement grantee of federal funds. It receives an annual allocation of funding for the HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) Program from the United States Department of Housing and Urban Development (HUD). The City is entitled to these funds because its population, housing and/or demographic characteristics meet the formula requirements needed to obtain funding.

HUD requires the City complete a five-year Consolidated Plan that includes a housing assessment, market analysis and assessment of community development needs. The Consolidated Plan is meant to address the needs of low- and moderate-income persons and families, including homeless individuals. The Plan establishes the City's program priorities, goals and objectives for community development programs and sets the framework for subsequent One Year Action Plans that describe specific activities that will be funded through the City's HUD-funded grant programs.

As an entitlement grantee, the City develops its own programs and funding priorities. However, it must give maximum feasible priority to activities which:

- Benefit low- and moderate-income persons and households;
- Aid in the prevention or elimination of slums and blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community. Urgent needs are defined as those which have no other financial resources available.

The City of Miami Beach is projecting the availability of the following FY 2016/17 funds subject to the availability and allocation by HUD:

HOME	Amount Available (estimated)
HOME Entitlement	\$ 411,964
City Administration (10%)	\$ 41,196
CHDO Set Aside (15%)	\$ 61,795

The City obtained authorization from the Mayor and City Commission on February 10, 2016 to issue the attached Request For Proposals (RFP) to solicit eligible affordable housing, capital and public service projects within the City.

Here is the timeline of events for this RFP:

Date	Event/Expected Outcome
February 10, 2016	Authorization from the Mayor & Commission to issue RFP
February 15, 2016	RFP Issued
February 22, 2016	Applicant conference to address RFP questions convened - Attendance is Mandatory
February 29, 2016	Last day for written questions
March 11, 2016	Deadline for receipt of RFP applications (3pm)
March 14 - 25, 2016	Staff review of applications
April 19, 2016	Meeting of Affordable Housing Advisory Committee to review applications and make funding recommendations to the Mayor and Commission
June 8, 2016	Submit funding recommendations to Mayor & Commission for award
June 9, 2016	Commence 30-Day Comment Period

Notice of Funding Availability (2 of 3)

Eligible Categories for Use of HOME Program funds under this RFP

- Rehabilitation of existing multi-family buildings (more than 4 units)

Rehabilitation of existing multi-family buildings to provide safe, decent, sanitary rental housing to income-eligible tenants. Construction activities must commence within 12 months of entering into a contract with the City for HOME Program funds. Projects may be proposed to provide all HOME-assisted units or mixed-income units.

- Acquisition and rehabilitation of existing multi-family buildings (more than 4 units)

Existing multi-family buildings may be acquired and rehabilitated to provide safe, decent, sanitary rental housing to income-eligible tenants. Construction activities must commence within 12 months of entering into a contract with the City for HOME Program funds. Projects may be proposed to provide all HOME-assisted units or mixed-income units.

- Acquisition and rehabilitation of existing scattered units

Single-family housing (including condominium units) may be acquired and rehabilitated to provide safe, decent, sanitary rental housing to income-eligible tenants and first-time eligible homebuyers.

HOME-Assisted Units

Proposed projects which contain all HOME-assisted units or mixed-income units will be considered. Refer to CPD Notice 98-02 "Allocating Costs and Identifying HOME Assisted-Units in Multi-Unit Projects". The number of HOME-assisted units in a project is based on the number of units that are acquired or rehabilitated with HOME funds. These units are subject to rent, occupancy, per unit subsidy limits, and resale/recapture restrictions.

Period of Affordability

Under the HOME Program, HOME-assisted units must meet certain Minimum Affordability Requirements beginning after project completion. However, the City of Miami Beach requires that the affordability period be extended for a minimum term of thirty (30) years. The affordability requirements apply without regard to the term of any loan or mortgage or the transfer of ownership. To enforce the affordability and income eligibility requirements, the City will require the property owner to execute a Mortgage and Security Agreement, and a Promissory Note, which will be recorded in the public records as a lien against the property.

HOME Income Limit Set-Aside Requirements

The HOME Program requirements for unit occupancy and affordability apply at the time of occupancy or at the time HOME funds are invested, whichever is later, and throughout the period of affordability. HUD periodically publishes income limits for the HOME Program.

At the time of the initial rent-up, housing will qualify as affordable only if the project is configured as follows:

- 1) At least 20 percent of the HOME assisted rental units must be occupied by families with household income of 50 percent or less of the Area Median Income, adjusted for family size; and
- 2) At least 90 percent of the HOME assisted rental units must be occupied by families with household income of 60 percent or less of the Area Median Income, adjusted for family size.

Notice of Funding Availability (3 of 3)

Long Term Occupancy Requirements

After projects are initially occupied, owners are required to maintain occupancy of units by low and very low-income persons for the period of affordability as specified above. Project owners are responsible for maintaining the correct number of High and Low HOME rent units, establishing systems to recertify tenant income on an annual basis, and adjusting rents for over-income tenants when required.

Applicant Conference - Mandatory

Applicant's responding to this RFP must attend the Applicant Conference scheduled for **February 22, 2016 at 9am at the Housing & Community Services Conference Room, located at 555 - 17th Street.**

The conference will review application requirements, use of the provided form, and address applicant questions. This is the only public event for the purposes of addressing questions, concerns or clarification regarding the RFP.

At the conference, attendees will be provided with a submission code that must be inserted in the designated area within the **Applicant Info**(rmation) tab to enable submission of the application.

Once the RFP is issued, comments raised outside of the Applicant Conference will be addressed via email. Questions can be posed by sending an email to mariarui@miamicityfl.gov. Replies will be provided and shared with all Applicant Conference attendees within 48 business hours. The last date to submit written questions is March 20, 2015.

Priorities

In order to guide outside agencies that are seeking funding, establish parameters for the project selection process and enable success in project implementation, the following broadly defined priorities and operational imperatives have been established in the City's *FY 2013-17 Consolidated Plan* and summarized for purposes of this RFP as:

- Affordable housing and compliance with Equal Opportunity and Fair Housing Laws in the City of Miami Beach
- Minimize displacement, promote job creation/retention, ensure adequate benefits, encourage private development, and provide planning and administrative support.
- Revitalize neighborhoods, remove architectural barriers, eliminate slum and blighted conditions, and encourage the preservation of historic structures.

Operational Imperatives

In order to ensure accountability and the judicious use of finite, public resources, the following operational imperatives have been established in the *FY 2013-17 Consolidated Plan* and City processes:

- Recipient organizations must have acceptable past and/or current performance on similar projects.
- As this is a reimbursable grant, recipient organizations must have the fiscal capacity to undertake the proposed project.
- Activities will not be funded unless the organization has developed realistic cost estimates and timelines, and demonstrated past financial stability (as evidenced in its past two agency fiscal audits).
- Agency must demonstrate that the use of awarded City funds will ensure the required funding for the proposed project, i.e. City funds are the last needed to complete the project.
- Organizations requesting funds from more than one agency will be required to submit a Subsidy Layering Review which includes a certified Sources and Uses Summary
- Recipients will be expected to provide matching funds and/or otherwise participate in the cost of their proposed project
- Housing development and property improvement programs are expected to use quality, long-lasting methods and materials that require a minimum of maintenance or upkeep and provide a Physical Needs Assessment for the proposed project
- The cost of providing housing or services will be considered in evaluating applications and must meet HUD guidelines
- Recipients must adhere to HUD and City guidelines for procurement of goods and services including professional services.
- Funded activities must meet a National Objective within two years of funding award.

Further priority is given to those established housing needs for which there is currently insufficient assistance including:

- 1 Acquisition for affordable rental housing and low-and moderate-income first-time homebuyers
- 2 Multi-family Housing rehabilitation

In addition, the City will prioritize awards to those projects that align with its Key Intended Outcomes (KIO) as defined in its current *Strategic Plan*. The City's KIOs can be found in its own tab within this workbook.

Eligible Activities

The primary objective of the HOME program is to provide safe, decent and affordable housing to low- and moderate-income persons and households who earn at or below 80% of the median income.

Funded activities must deliver affordable, decent, safe and sanitary housing for low- and moderate-income households in the City of Miami Beach.

Applicable Income Tables are referenced in the corresponding tab in this workbook.

Application Instructions (1 of 2)

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. **Only applications completed on an Excel platform will be accepted.** To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in green have drop-down menus and areas shaded in red are auto-filled. Grey shaded areas require a text input by the applicant.

Tab	General Instructions
Submission Checklist	<p>Threshold items determining the Applicant's responsiveness are indicated as Required. Items requiring signatures are noted as Signatures Needed.</p> <p>A drop-down menu is provided for each item to enable easy labeling as submitted or not. Please ensure to update the status for each item.</p> <p>In addition, we have left open spaces in the event that the applicant wishes to attach additional items not specifically requested in the RFP.</p>
Applicant Info(rmation)	<p>All shaded areas require a response. Those areas in grey require a manual input. Items shaded in green require use of the drop-down menu provided.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p> <p>Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.</p>
Project Overview	<p>The Applicant name is auto-populated once you have completed the previous tab.</p> <p>As you provide the Project Synopsis in the green shaded space provided, please be succinct but complete in your narrative and run spellcheck before finalizing.</p> <p>If you have a Physical Needs Assessment for the proposed project, please include as an attachment.</p> <p>For Project Partners, list each entity separately and use the drop-down menu to indicate the type of support provided from each. In the final column, please list the cash value of the entity's support.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p>
Project Impact	<p>Please note there are two pages to this section.</p> <p>Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.</p>
Applicant Experience	<p>Please note there are two pages to this section.</p> <p>Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.</p>
Project Budget	<p>The Budget form has five columns. The first column should list all of the entities providing cash, financing or in-kind leverage to the proposed project.</p> <p>The second column, "Confirmed Receipt", enables you to insert the dollar value of any commitment that has been secured.</p> <p>The third column, "Pending Receipt", enables you to insert the value of any projected funds that have yet to be secured but may be reasonably expected.</p> <p>The fourth column, "City Request" enables you to insert the value of funds requested from the City through this RFP process.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p>

Application Instructions (2 of 2)

Tab	General Instructions
Sources & Uses	<p>In the column labeled "Line Item Category," list the various project expenses using the drop-down menu provided.</p> <p>In each of the following columns to the right, and under "Fund Source", insert the name of the funding entity and then below the respective amounts allocated to each line item.</p> <p>A second page is provided if your project has more than five (5) funding sources. Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.</p>
Priority Alignment	<p>Using the drop-down menus provided, answer each area shaded in green.</p> <p>Provide a brief but succinct narrative in the grey space provided that explains how your agency will measure its impact on the City's Key Intended Outcomes selected.</p> <p>Run spellcheck before finalizing your narrative.</p>
Affidavit 1	Review and provide signatures requested.
Affidavit 2	Review and provide signatures requested.
Affidavit 3	Review and provide signatures requested.
Affidavit 4	Review and provide signatures requested.

Required Attachments

The following attachments are required and must be submitted with the one (1) original hard copy application and two copies. These attachments should be placed directly following Affidavit 4 with the hard copies.

1. Agency's Articles of Incorporation in their entirety.
2. A current list of the Applicant's Board of Directors and their respective affiliation(s).
3. The Applicant's last two (2) annual financial audits.
4. Letters of commitment/award, contracts or other documents attesting to the evidence of matching/in-kind funds. Resources or financing.

Recommended Attachments

While a Subsidy Layering Review is not required at the time of application, it is encouraged as a means of reviewing the project's fiscal viability. If provided, this document should follow the required attachments.

Additional Attachments

If the applicant wishes to submit additional documents, they may do so. If provided, these should follow the required attachments.

Application Submission

Applicants must submit their application(s) as follows:

- ! One (1) original hard copy with authorizing signatures in blue ink.
- ! One (1) duplicate hard copy of the original hard copy application.
- ! One digital copy in Excel format of the application with attachments in PDF format on CD ROM.

Via Hand Delivery: Office of Housing & Community Development, 555 - 17th Street, Miami Beach, Florida 33139. Receipt is made weekdays, 9am to 4pm excluding legal holidays.

Via Mail Delivery: Office of Community Development, 1700 Convention Center Drive, Miami Beach, Florida 33139

General Information (1 of 4)

The following funding is available through this RFP:

HOME	Amount Available (estimated)
HOME Entitlement	\$ 411,964
City Administration (10%)	\$ 41,196
CHDO Project Set Aside (15%)	\$ 61,795

Please note that these funds are estimates and subject to availability and allocation by HUD.

Determination of Appropriateness

Prior to preparing an application for funds, applicants are strongly advised to determine if the proposed project is an eligible activity as defined by HUD regulations. Projects must result in the creation of safe, sanitary, decent and affordable housing to low- and moderate-income persons and households who earn at or below 80% of the median income.

Deadline for Submission

Responses to this RFP are **due Friday, March 11, 2016 at 3:00pm** at the Office of Housing & Community Services located at 555 -17th Street, Miami Beach, Florida 33139. Mailed applications should be sent to Office of Housing & Community Development, Attention: Maria Ruiz, Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139.

Late applications will not be accepted.

Fatal Flaws

The following errors, omissions and/or conditions are considered fatal flaws preventing applications from consideration for funding:

- ! Incomplete applications (missing any section of the application or omission of required attachments)
- ! Factual errors resulting in the misrepresentation of an organization's experience, capacity or ownership
- ! Projects with funding gaps despite the potential award of City funds

Submission Requirements

Applicants must submit their application(s) as follows:

- ☐ One (1) original hard copy with authorizing signatures in **blue** ink.
- ☐ One (1) duplicate hard copy of the original hard copy application.
- ☐ One digital copy in Excel format of the application with attachments in PDF format on CD ROM.

Directions for Completing the Application

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. Only applications completed on an Excel platform will be accepted. To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in green have drop-down menus and areas shaded in red are auto-filled. Grey shaded areas require a text input by the applicant.

General Information (2 of 4)

Modifications/Withdrawals of Proposals

An Applicant may submit a modified Application to replace all or any portion of a previously submitted Application up until the Application due date and time. Modifications received after the Application due date and time will not be considered. Applications shall be irrevocable until contract award unless withdrawn in writing prior to the Application due date, or after expiration of 120 calendar days from the opening of Applications without a contract award. Letters of withdrawal received after the Application due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

RFP Postponement/Cancellation/Rejection

The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, Applications; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP, or in any Applications received as a result of this RFP.

Costs Incurred by Applicants

All expenses involved with the preparation and submission of Applications, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Applicant, and shall not be reimbursed by the City.

Exceptions to RFP

Applicants must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Application. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Applicant to comply with the particular term and/or condition of the RFP to which Applicant took exception to (as said term and/or condition was originally set forth on the RFP).

Florida Public Records Laws

Applicants are hereby notified that all Applications including, without limitation, any and all information and documentation submitted therewith, will be available for public inspection after opening of Applications, in compliance with Florida Public Records Law including, without limitation, Chapter 119, Florida Statutes.

Negotiations

The City reserves the right to enter into further negotiations with the selected Applicant(s). Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Applicant(s) in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Applicants that by submitting a Application, no property interest or legal right of any kind shall be created at any time until and unless a contract has been agreed to; approved by the City; and executed by the parties.

Observance of Laws

Applicants are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFA (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Applicant will in no way relieve it from responsibility for compliance.

General Information (3 of 4)

Conflict of Interest

All Applicants must disclose, in their Application, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Applicants must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Applicant entity or any of its affiliates. These same provisions apply for any vendors contracted with these funds who may have an interest, directly or indirectly, with the Applicant. Disclosures must be submitted in writing, on Applicant letterhead, at the time of proposal submission.

Applicant's Responsibility

Before submitting a Application, each Applicant shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Applicant from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Applicant.

Public Entity Crimes

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity , and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

American With Disabilities Act (ADA)

Call (305) 673-7260/VOICE to request material in accessible format; sign language interpreters (five days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673-7631.

Acceptance of Gifts, Favors, Services

Applicants shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Application. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

Procurement

While all funded agencies will be required to adhere to procurement guidelines established by HUD, Applicants are advised that the City reserves the right to proactively review your procurement practices including review of your bid documents prior to public issuance.

Developer's Fees

Developer's Fees are capped at 15 (fifteen) percent of total project costs, proportional to each funding source.

General Information (4 of 4)

Contingency Funds

The City reserves the right to require prior City Manager approval for the expenditure of any funds assigned as contingency. Please note that executed City approvals will be required for any expense drawn from contingency funds.

Projects with Multiple Funding Sources

Funded projects with two or more funding sources will be required to submit to the City copies of draws/reimbursement packages submitted to other funding sources to ensure fidelity to single billing standards.

Leadership in Energy and Environmental Design (LEED)

The U.S. Green Building Council is a non-profit community of leaders working to make green buildings available to everyone. The U.S. Green Building Council developed the Leadership in Energy and Environmental Design (LEED) Green Building Rating System to encourage sustainable green building and development practices. LEED is a third-party certification program and the nationally-accepted benchmark for the design, construction and operation of high-performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: 1. Sustainable site development; 2. Water savings; 3. Energy efficiency; 4. Materials selection; and 5. Indoor environmental quality.

LEED is a point-based system where projects earn LEED points for satisfying specific green building criteria. Within each of the six LEED credit categories, projects must satisfy particular prerequisites and earn points. The six categories include: 1. Sustainable Sites; 2. Water Efficiency; 3. Energy & Atmosphere; 4. Materials & Resources; 5. Indoor Environmental Quality; and 6. Innovation in Design.

The number of points the project earns determines the level of LEED Certification the project receives. LEED certification is available in four progressive levels: 1. Platinum; 2. Gold; 3. Silver; and 4. Certified Environmental benefits.

LEED offers several benefits to the developer, tenant and community including, but not limited to:

- Enhances and protects ecosystems and biodiversity
- Improves air and water quality
- Reduces solid waste
- Conserves natural resources
- Reduces operating costs
- Enhances asset value and profits
- Improves employee productivity and satisfaction
- Optimizes life-cycle economic performance
- Improves air, thermal, and acoustic environments
- Enhances occupant comfort and health
- Minimizes strain on local infrastructure
- Contributes to overall quality of life

The City will award bonus points for projects that include LEED certification as a project outcome.

Application Scoring

Minimum requirements for application submission: Applicants submitting applications may be not-for-profit or for-profit corporations or partnerships. Applicants must have a minimum of five (5) years of experience in the acquisition and rehabilitation of owner-occupied affordable housing and/or first-time homebuyer programs.

Selection criteria will include, but is not limited to:

1. Ability to provide strong construction management practices and to provide first quality materials, including landscaping if applicable
2. Ability to perform all applicant selection and income certification processes in accordance with local, state, and federal regulations
3. Ability to comply with the City's reporting requirements
4. Total project cost
5. Total number of units
6. Leveraging
7. Ability to conform to the City's plan for spatial de-concentration
8. Ability to provide homeowners with HUD-Certified Homeownership Counseling
9. Ability to provide individualized training to homebuyers on issues such as home maintenance and budgeting
10. Ability to demonstrate that the organization participates in the Welfare Transition Program

The Office of Housing and Community Development will review all responses to the RFP to ensure compliance with the requirements of the RFP as well as under applicable Florida Statutes, Resolutions and the Consolidated Plan. All eligible applications will be submitted to the City's Affordable Housing Advisory Committee. The Committee will review all applications in accordance with the criteria as outlined in the RFP.

Sections within the RFP are weighted and their respective values are noted below:

Section/Tab	Maximum Points
Applicant Info(rmation)	5
Project Overview	20
Project Impact	20
Applicant Experience	25
Project Budget	20
Sources & Uses	5
Priority Alignment	5
MAXIMUM POSSIBLE SCORE	100

Scoring Criteria

Proposals are scored based on the viability, fiscal soundness and capacity of the applicant. The following factors are considered by staff in evaluating applications:

Site Control

The Applicant should have site control of the property being improved. This can be either as the owner of the property or as the Developer (memorialized through Memoranda Of Understanding or development agreement).

Permits

Have permits been obtained for the project? This provides progress context for the evaluation.

Infrastructure

Is there appropriate infrastructure or access to infrastructure? This provides viability perspective.

Project Size

How many units of affordable housing will be created/preserved? This determines impact.

Funding

Has all project funding been secured? This addresses viability and Applicant capacity.

Leverage

How much money is needed from the City? The lower the ratio of City funds to cash-in-hand, the stronger the proposal.

Experience

How long has the Applicant developed affordable housing? What success has been achieved? This speaks to experience, capacity and project viability.

Work History

How many units of affordable housing has the Applicant produced? This speaks to capacity and experience.

Energy Efficiency Features

Has the Applicant incorporated energy efficient features whenever possible? This speaks to project longevity.

HUD FY 2015 Income Tables for the City of Miami Beach

	1 - Person	2-Person	3-Person	4 -Person	5 -Person	6-Person	7 -Person	8-Person
30% Limits	\$14,250	\$16,250	\$18,300	\$20,300	\$21,950	\$23,550	\$25,200	\$26,800
Very Low Income	\$23,700	\$27,100	\$30,500	\$33,850	\$36,600	\$39,300	\$42,000	\$44,700
Low Income	\$37,950	\$43,350	\$48,750	\$54,150	\$58,500	\$62,850	\$67,150	\$71,500

Uniform Relocation Assistance (URA)

If a project proposed in response to this RFA includes the purchase of a building or an offer to purchase a building which is occupied, the tenants are entitled to the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The following information is provided to assist the applicant in complying with the URA.

1. URA preparation needs to start early. A URA notice needs to be given to the Seller when the purchase offer/option is made.
2. HUD and the City of Miami Beach care about this. Developers who are working on HUD-funded projects need to understand that the URA is basic consumer legislation that addresses “fairness” issues. Tenants whose living circumstances are changed by a project - either by higher rents or involuntary moves - must be protected and compensated.
3. The relocation rules are not all one-sided. There are actions that can be taken to control costs and prevent displacement. These actions include informing tenants about the project, treating them fairly during the process, staging work if it is feasible, and keeping their rents affordable. Tenants must continue to pay rent and comply with the lease during the process.
4. Mistakes can be costly. Planning for relocation and tenant concerns is critical because grantees, owners and developers can all take actions which can incur a financial liability. Displaced tenants are entitled to 42 or 60 months of rental assistance depending on the situation. Many claims exceed \$10,000. Although some claims are unavoidable, there is no reason to incur these costs by failure to follow the rules.
5. Planning is critical. Relocation concerns must be thought out early in the process so decisions about rents, construction timing and project feasibility can be considered before they are a crisis.
6. Cooperation is Essential. All parties involved in the project must do the right thing in order to make the process work. The Developer and the City must work together.
7. There are three basic requirements for tenants in rental rehabilitation projects. They must be given timely information about the pending application. If the project is approved, they must be advised about any changes that will occur to their situation. If they are not advised - and move - they could claim that they were displaced even if that was not intended and they could be eligible for considerable financial compensation. If they must be displaced, they must be offered a comparable replacement unit (as defined by HUD). Moving expenses must be paid. No one can be required to move without 90 days notice. Tenants who will stay in the property after work is complete must be offered a suitable unit that is affordable to them.

Applicant Information

Applicant Name: _____
 Applicant Address: _____
 Telephone Number: _____ Fax Number: _____
 Executive Director: _____ E-Mail Address: _____
 Contact Person: _____ E-Mail Address: _____
 Board Secretary: _____ E-Mail Address: _____
 Employer Identification Number: _____ Corporate Status: _____
 Is applicant a CHDO for the City of Miami Beach: _____ Submission Code: _____

Required Attachments

Applicant's Articles of Incorporation
 Internal Revenue Services (IRS) Designation Letter
 Current Board of Director's Membership with Professional Affiliations

Proposed Project Summary

Project Location (Address & Zip Code): _____

Project Category: _____

Project Type: _____

#of Units to be Created/Rehabilitated: _____

Project Budget:	\$	-	Agency Budget:	\$	-
-----------------	----	---	----------------	----	---

Amount of Secured Funding:	\$	-			
----------------------------	----	---	--	--	--

Amount of Funding Requested from City:	\$	-			
--	----	---	--	--	--

Recommended Attachments

Subsidy Layering Review completed within past sixty (60) days

Applicant Certification

On behalf of the applicant organization, we certify that all of the information contained in this application is true and accurate. We further understand that the material omission or inclusion of false information contained in this application constitutes grounds for disqualification of the application and Applicant. We further understand that by submitting an application, we, as the authorized representatives for the organization, are accepting the terms and conditions as they appear in the Request For Proposals February 2015.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

City of Miami Beach Use Only

Project Funding Level:	#DIV/0!	Cost P/Unit:	#DIV/0!
------------------------	---------	--------------	---------

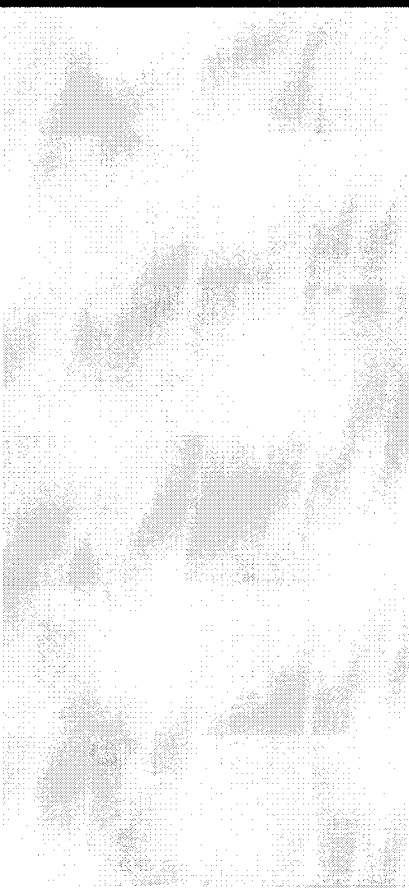
City Funding Level:	#DIV/0!	Project Outlook:	#DIV/0!
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SCORE RANGE FOR SECTION**5 Points**

City of Miami Beach/
Housing and Community Services

Submission Checklist

Please verify that the following has been completed and submitted by the submission deadline as noted:

Item/Attachment	Status
Applicant Info(rmation) (Signatures Needed) - Required	
Submission Checklist (Signatures Needed) - Required	
Project Overview - Required	
Project Impact - Required	
Applicant Experience - Required	
Project Budget - Required	
Sources & Uses (Signatures Needed) - Required	
Priority Alignment - Required	
Affidavit 1 (Signatures Needed) - Required	
Affidavit 2 (Signatures Needed) - Required	
Affidavit 3 (Signatures Needed) - Required	
Affidavit 4 (Signatures Needed) - Required	
Applicant's Articles of Incorporation - Required	
Applicant's Internal Revenue Services Designation Letter - Required	
Current Board of Director's with Professional Affiliations - Required	
Physical Needs Assessment - Required	
Applicant Agency's Last Two Annual Audits - Required	
Evidence of Matching Funds/Leverage - Required	
Title, Mortgage or Other Proof of Property Ownership/Control - Required	
Subsidy Layering Review - Optional	
Project Renderings - Optional	
Building Permits, if obtained - Optional	
Property Appraisal - Optional	

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Project Overview

Applicant: 0

Project Type:

Project Synopsis

In the space below, provide a brief synopsis of your proposed project including current status, location, scope and beneficiaries.

Project's LEED Certification Sought:

Required Attachments

Physical Needs Assessment (conducted by third party)

Title, Mortgage or Other Proof of Property Ownership/Control

Project Partners

Please list the entities providing cash, financing and other support to proposed project.

Entity	Support Type	Support Value
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
Total Value of Project Investment		\$ -

City of Miami Beach Use Only

Fiscal Check: #VALUE!

SCORE RANGE FOR SECTION

20 Points

City of Miami Beach/
Housing and Community Services

Project Impact (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. Describe the scope of your proposed project including a summary of planned construction goals.
2. Describe the impact of your project on the immediate neighborhood and possible jobs created (temporary and permanent).

SCORE RANGE FOR SECTION

10 Points

Project Impact (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. Describe if tenants will be relocated and, if so, summarize relocation plan.
2. Provide a brief project timeline.

SCORE RANGE FOR SECTION

10 Points

Applicant Experience (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Describe experience in developing, rehabilitating and/or managing affordable housing.
2. Provide specific examples of successful projects.

SCORE RANGE FOR SECTION

10 Points

Applicant Experience (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Fiscal capacity to successfully complete project including previous receipt of HUD funds. Provide specific examples.

SCORE RANGE FOR SECTION

15 Points

Project Budget

Applicant:

Required Attachments:

Letters of funding commitment, financing agreements, and/or asset inventory (i.e. bank statements)

[illegible]

In the space below, please provide detail for any line item with "other" in category title.

Signature of Preparing Party/ Date

Signature of Authorizing Party/Date

Name/Title:

Name/Title:

SCORE RANGE FOR SECTION

20 Points

City of Miami Beach/
Housing and Community Services

Sources & Uses of Project Funds

Applicant: 0

O

Line Item Category/ Cost Category

[illegible]

Please use next page if necessary.

Signature of Preparing Party/ Date
Name/Title:

Signature of Authorizing Party/Date

Name/Title:

SCORE RANGE FOR SECTION

5 Points

City of Miami Beach/
Housing and Community Services

Sources & Uses (Use Only if Necessary)

Applicant: 0

0

Line Item Category/ Cost Category

[illegible]

Project Totals

Operating Budget Overview

Please provide information regarding the operating budget for the project once completed and operational.

OPERATING INCOME				MONTHLY VALUE	ANNUAL VALUE
Gross Rent	# of Units	X	Rent Value	\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
Vacancy Allowance				\$ -	\$ -
(Amount may not exceed 10 %)					
Other Income Describe:					

OPERATING EXPENSES		MONTHLY VALUE	ANNUAL VALUE
Management Fee	Assign fixed monthly value		\$ -
Additional Admin Costs	(This may include legal, accounting, advertising, etc.)		\$ -
Monthly Maintenance			\$ -
Extermination	If less than monthly, pro-rate		\$ -
Landscaping	If less than monthly, pro-rate		\$ -
Waste/Trash Removal			\$ -
Property Insurance			\$ -
Real Estate Taxes	Provide estimated value, if applicable		\$ -
Other: Specify in next cell			\$ -
Other: Specify in next cell			\$ -
Other: Specify in next cell			\$ -
Other: Specify in next cell			\$ -
Other: Specify in next cell			\$ -

DEBT SERVICE	MONTHLY VALUE	ANNUAL VALUE
Mortgage: Insert Bank in Next Cell		\$ -
Mortgage: Insert Bank in Next Cell		\$ -
Other: Specify in Next Cell		\$ -
Other: Specify in Next Cell		\$ -
Other: Specify in Next Cell		\$ -

ADDITIONAL COSTS	MONTHLY VALUE	ANNUAL VALUE
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -

	INCOME	COSTS
MONTHLY PROJECT OPERATING COSTS	\$ -	\$ -

Priority Alignment

Housing Type Being Proposed:

Project Location:

Beneficiaries (List All):

The City of Miami Beach has achieved a great deal by staying focused on its mission, vision and strategic priorities. By using performance measurements to gauge how well it is managing resources and delivering services, the City has areas that have seen significant improvements since its plan was chartered.

As a recipient of public resources, please indicate below how your project aligns with the City's Strategic Plan. At a minimum, you must select one Key Intended Outcome (KIO) that your project will address. Extra points will be awarded for your ability to address additional KIOs.

Please note that awarded projects will be required to measure and report their progress on meeting identified KIO goals.

Primary KIO Proposed Project Will Address:

Secondary KIO Proposed Project Will Address:

Tertiary KIO Proposed Project Will Address:

In the space provided below, please describe the measures you will use to quantify your impact on the selected KIOs above. Please note that all measures must be numerical in nature, i.e., the number of units developed, the number of tenants served.

SCORE RANGE FOR SECTION

5 Points

Acknowledgement of Application Submission

Applicant: 0

As the duly authorized signatory and preparer, respectively, for the agency listed above, we have read the City of Miami Beach Request For Proposals for Recaptured HOME funds and agree to the terms, specific limitations, and conditions expressed herein. In addition, we have read, relied upon, acknowledge, and accept the City's Disclosure Disclaimer as attached.

Further, if our proposed project includes the rehabilitation or construction of a residential building that is currently occupied, we hereby authorize the staff of the City of Miami Beach Office of Housing and Community Development to enter the premises and interview residents. We realize that the purpose of the interviews is to determine the estimated amount of relocation assistance that may be needed.

BY signing below, the undersigned acknowledge that they have read and understand the Certifications attached hereto and labeled as "Affidavits" and, if awarded HOME funds, the Applicant will be able to comply fully with the provisions of those certifications and will be able to comply with all additional applicable federal, state and local requirements, including procurement and financial management. Applicant also acknowledges that if a funding recommendation is made for less than the full amount applied for, additional documentation including a revised budget, scope of work and sources and uses may be requested prior to final finding determinations.

The City of Miami Beach reserves the right to verify that the authorized signatures above are authorized to bind the Applicant and may require Applicant to submit documentation verifying such authority.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Affidavit of Compliance with Federal, State and Local Regulations

Applicant: 0

The undersigned certify that the information in this application is true and correct. The undersigned further certify that they are aware that if the City of Miami Beach finds that the applicant agency or undersigned have engaged in fraudulent actions or intentionally misrepresented facts on this application, this application will be rejected and the applicant agency may be unable to participate in any City-funded program for two (2) complete fiscal years.

If applying for HOME Investments Partnership Program funds, the applicant via the undersigned certify that it has read, understands and agrees to comply with the provisions of 24 CFR 92, and all federal regulations issued thereto by the United States Department of Housing and Urban Development (HUD).

The undersigned understand and agree to abide by the provisions of the applicable, federal, state and local regulations and laws.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

Disclosure and Disclaimer

Applicant: 0

This Request for Proposals (RFP) is being furnished to the applicant by the City of Miami Beach (City) for the applicant's information and convenience. Any action taken by the City in response to applications made pursuant to this RFA or in making any award or in failing or refusing to make any award pursuant to such applications, or in canceling awards, or in withdrawing or canceling this RFA, either before or after issuance of an award(s), shall be without any liability on the part of the City. The contents of this RFA are neither warranted nor guaranteed by the City. Applicants interested in pursuing this development opportunity are urged to make such evaluations as they deem advisable and to reach independent conclusions concerning statements made in this RFA and any supplements thereto. The City reserves the right to reject any and all applications for any reason, or for no reason, without any resultant liability to the City.

In its sole discretion, the City may withdraw the RFP either before or after receiving applications, may accept or reject applications, and may accept applications which deviate from the RFP as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting applications in response to this RFP.

Following submission of an application, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the application and the applicant including the applicant's affiliates, officers, directors, shareholders, partners and employees as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective housing development entities. It is the responsibility of the applicant to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this RFP.

Any reliance on these contents, or on any communications with City officials, shall be at the applicant's own risk. Prospective applicants should rely exclusively on their own investigations, interpretations and analyses. The RFP is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any application conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this RFP, the selection and the award process or whether any award will be made. Any applicant to this RFP who responds hereto fully acknowledges all the provisions of this disclosure and disclaimer, is totally relying on this disclosure and disclaimer, and agrees to be bound by the terms hereof. Any applications submitted to the City or its advisors pursuant to this RFP are submitted at the sole risk and responsibility of the party submitting such application.

This RFP is made subject to correction of errors, omissions, or withdrawal without notice. Information is for guidance only and does not constitute all or any part of an agreement.

The City and all applicants will be bound only as, if and when an application, as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties.

Disclosure and Disclaimer

Applicant: 0

Any response to this RFP may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all applications and supporting documents shall be subject to disclosure as required by such law. All documents received by the City shall become public records.

Applicants are expected to make all disclosures and declarations as requested in this RFA. By submission of an application, the applicant acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the application, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each applicant certifies that the information contained in the application is true, accurate and complete to the best of its knowledge and belief.

Notwithstanding the foregoing or anything contained in the RFP, all applicants agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this RFP or any response thereto or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this disclosure and disclaimer which imposes no liability on the City.

In the event of any differences in language between this disclosure and disclaimer and the balance of the RFP, it is understood that the provisions of this disclosure and disclaimer shall always govern. The RFP and any disputes arising from the RFP shall be governed by and construed in accordance with the laws of the State of Florida.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

General HOME Program Requirements (1 of 3)

HOME Per-Unit Subsidy Amount

The maximum amount of HOME funds that may be invested on a per-unit basis may not exceed a per-unit dollar amount established by HUD.

Rental Housing

Refer to the HOME Program Final Rule, 24 CFR Part 92, §92.252 and §92.253 for Rental Housing Project Qualification and for Tenant Protections.

Eligible Costs

Refer to the HOME Program Final Rule, 24 CFR Part 92, §92.206 for a list of eligible project costs.

Prohibited Activities

Refer to the HOME Program Final Rule, 24 CFR Part 92, §92.214 for a list of prohibited activities.

Property Standards

Property that is rehabilitated with HOME funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances prior to occupancy. Following rehabilitation, owners will be required to maintain projects in accordance with all applicable State and local quality standards and code requirements. Proposed rehabilitation projects must propose to remedy all outstanding code deficiencies. The project owner is responsible for ensuring compliance with these standards throughout the period of affordability. The City will conduct inspections of all HOME-assisted units according to the schedule required by the HOME Rule.

Handicapped Accessibility Standards

Rehabilitation projects funded with HOME funds are subject to the Uniform Federal Accessibility Standards (UFAS) under Section 504 of the Rehabilitation Act of 1973. Alterations are divided into two types:

Substantial Alteration: (Regulatory Citation 24 CFR 8.23(a)) Alteration in which the cost of the alterations to a facility of 15 or more dwelling units (including scattered site housing) equals or exceeds 75 percent of the replacement cost of the completed facility. Substantial alterations are subject to new construction accessibility requirements.

Alterations that do not meet the definition of substantial (i.e., the development altered has less than 15 units, or the costs are less than 75 percent of the replacement cost of the completed facility) are covered by "other alterations."

Other Alterations: (Regulatory Citation 24 CFR 8.23(b)) Applies to multifamily housing developments of 5 or more dwelling units (including scattered site housing). These alterations to dwelling units must, to the maximum extent feasible, be made accessible to and usable by individuals with disabilities. A minimum of 5 percent of the total dwelling units in a building or development, with a minimum of one unit, must be made accessible for individuals with mobility impairments. In addition to providing access to those with mobility impairments, when possible, the unit(s) shall also be pre-wired to facilitate the installation of auxiliary devices to assist the hearing and the visually impaired.

Alterations to common areas such as entrances, lobbies, and recreation rooms must be made accessible to and usable by individuals with disabilities to the maximum extent feasible.

General HOME Program Requirements (2 of 3)

Labor Standards/Prevailing Wages

Every contract for the construction (or rehabilitation) of housing that includes 12 or more units assisted with HOME funds is required to comply with federal regulations pertaining to labor standards, including the prevailing wage requirements as determined pursuant to Davis-Bacon (40 USC 276a-5).

Equal Opportunity and Fair Housing

Entities receiving HOME funds are required to comply with all City ordinances, federal laws, executive orders and regulations pertaining to fair housing and equal opportunity.

Affirmative Marketing

The City has adopted affirmative marketing policies and requirements for rental and homebuyer projects containing 5 or more HOME-assisted housing units. Affirmative marketing consists of efforts to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, religion, sex, sexual orientation, handicap, familial status or national origin. Affirmative marketing requires that entities receiving HOME funds take every reasonable step to inform and solicit applications from persons in the available housing market who are not likely to apply for the housing without special outreach and advertising efforts. Entities receiving HOME funds will be required to comply with the City's affirmative marketing policies and will be required to submit an affirmative marketing plan for the funded project.

Minority/Women Business Outreach

Entities receiving HOME funds are required to undertake minority/women business outreach to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants and providers of legal services.

Section 3

Section 3 of the Housing and Urban Development Act of 1968, as amended in 1992, requires that economic opportunities generated by HUD financial assistance for housing and community development programs be targeted toward low and very low-income persons. Entities receiving HOME funds are required to comply with Section 3 which provides that, to the greatest extent feasible, opportunities for training and employment shall be given to lower-income residents of Miami Beach, and that contracts for work in connection with such projects be awarded to business concerns which are located in or are owned in substantial part by lower income Miami Beach residents.

Lead-Based Paint

Housing assisted with HOME Program funds is subject to the requirements of 24 CFR Part 35, as amended, and the Lead-Based Paint Poisoning Prevention Act as amended by Title X of the Housing and Community Development Act of 1992. Projects assisted with HOME funds may require notification to tenants, disclosure of lead-based paint information, identification of defective paint surfaces, treatment of defective surfaces, and response to children with elevated blood lead levels. On September 15, 1999, U.S. HUD issued the final rule entitled "Requirements for Notification, Evaluation and Reduction of Lead-Based Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance". This regulation sets new requirements to prevent childhood lead poisoning in housing assisted or being sold by HUD and other Federal agencies.

General HOME Program Requirements (3 of 3)

Debarment/Suspension

Participants in the HOME Program must certify, pursuant to 24 CFR Part 24, that neither they or their principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the covered transaction.

Other Federal Requirements

There are a number of other federal requirements that apply to all HUD-funded programs including the implementation of HOME Program rental housing activities.

Please acknowledgement acceptance and understanding of General HOME Program Requirements below.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING THE AMENDMENT OF THE CITIZEN PARTICIPATION PLAN IN THE FORM ATTACHED TO THIS RESOLUTION, TO CONFORM WITH FEDERAL REGULATIONS AND MIAMI BEACH ORDINANCE NO. 2014-3841; WHICH AMENDED CITIZEN PARTICIPATION PLAN INCLUDES, AMONG OTHER CLARIFICATIONS, THE ADDITION OF THE ASSESSMENT OF FAIR HOUSING, TO BE INCLUDED WITH THE CONSOLIDATED PLAN, THE ANNUAL ACTION PLAN, AND THE PERFORMANCE REPORT; AND FURTHER CLARIFYING THE CRITERIA WHICH WOULD TRIGGER A SUBSTANTIAL REVIEW OF THE ASSESSMENT OF FAIR HOUSING OR A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN OR THE ANNUAL ACTION PLAN.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.):**Item Summary/Recommendation:**

The City is a U.S. Department of Housing and Urban Development (HUD)-designated entitlement community receiving an annual allocation of HUD funding through the Community Development Block Grant (CDBG) and HOME Investments Partnership (HOME) programs. HUD requires entitlement jurisdictions to have a detailed *Citizen Participation Plan* that allow citizens to participate in the development of the *Consolidated Plan*, the annual *Action Plan*, any substantial amendments, and the submittal of the *Consolidated Annual Performance Report* (CAPER).

The Mayor and City Commission adopted the existing Citizen Participation Plan on July 19, 1978 via Resolution No. 78-15672, and said Plan was subsequently amended on the following dates: September 21, 1983 (Resolution No.83-17475); March 16, 1988 (Resolution No.88-19190); November 16, 1994 (Resolution No.94-21410); April 5, 1995 (via Resolution No. 95-21538); October 7, 1998 (via Resolution No.98-22927); and February 21, 2001 (Resolution No.2001-24262). On August 25, 2015, HUD amended its rules requiring local governments to include the *Assessment of Fair Housing* to the list of documents whose process shall follow the same citizen participation process required of those stated above.

The City, fulfilling HUD's request, updated the *Citizen Participation Plan* to include the *Assessment of Fair Housing* and the criteria needed for substantial revisions. In addition, staff amended and clarified portions of the *Citizen Participation Plan* eliminating repetitive language and contradicting terms, included the expanded use of technology, and unified the criteria triggering any *Substantial Amendment* of the *Consolidated Plan* and annual *Action Plans*.

This amendment also includes reference to the Affordable Housing Advisory Committee ("AHAC") as the advisory body to the Division on housing and community development issues, instead of the Community Development Advisory Committee ("CDAC") which no longer exists, as stated in Ordinance 2014-3841 Governing Agencies, Board and Committees.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 100px; height: 50px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Maria L. Ruiz, Housing & Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR 	KGB 	JLM 


MIAMI BEACH

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING THE AMENDMENT OF THE CITIZEN PARTICIPATION PLAN IN THE FORM ATTACHED TO THIS RESOLUTION, TO CONFORM WITH FEDERAL REGULATIONS AND MIAMI BEACH ORDINANCE NO. 2014-3841; WHICH AMENDED CITIZEN PARTICIPATION PLAN INCLUDES, AMONG OTHER CLARIFICATIONS, THE ADDITION OF THE ASSESSMENT OF FAIR HOUSING, TO BE INCLUDED WITH THE CONSOLIDATED PLAN, THE ANNUAL ACTION PLAN, AND THE PERFORMANCE REPORT; AND FURTHER CLARIFYING THE CRITERIA WHICH WOULD TRIGGER A SUBSTANTIAL REVIEW OF THE ASSESSMENT OF FAIR HOUSING OR A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN OR THE ANNUAL ACTION PLAN.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The City is a U.S. Department of Housing and Urban Development (HUD)-designated entitlement community as determined by the decennial census information on population growth lag, age of housing stock, and poverty. As an entitlement community, the City receives an annual allocation of HUD funding through the Community Development Block Grant (CDBG) and HOME Investments Partnership (HOME) programs. HUD requires entitlement jurisdictions to submit a Five-Year *Consolidated Plan* which establishes the strategic framework upon which the City utilizes its funds. The *Consolidated Plan* is augmented and refined by the City's annual submission of a One-Year *Action Plan* which delineates the specific projects and activities funded by each year's HUD allocation.

HUD regulations, found in 24 CFR. 91.105, require entitlement jurisdictions to have a detailed *Citizen Participation Plan* encouraging citizens to participate in the development of the *Consolidated Plan*, the annual *Action Plan*, any substantial amendments, and the submittal of the *Consolidated Annual Performance Report* (CAPER). Participation in the allocation process allows citizens to become aware of how HUD funds are utilized to serve the needs of the community. The Mayor and City Commission adopted the existing *Citizen Participation Plan* on July 19, 1978 via Resolution No. 78-15672, and said Plan was subsequently amended on the following dates: September 21, 1983 (Resolution No.83-17475); March 16, 1988 (Resolution No.88-19190); November 16, 1994 (Resolution No.94-21410); April 5, 1995 (via Resolution No.

95-21538); October 7, 1998 (via Resolution No.98-22927); and February 21, 2001 (Resolution No.2001-24262). On August 25, 2015, HUD amended its rules requiring local governments to include the *Assessment of Fair Housing* to the list of documents whose process shall follow the same citizen participation process required of the *Consolidated Plan*, the annual *Action Plans*, their amendments and annual performance reports, as well as the criteria that would trigger a substantial review of the *Assessment of Fair Housing*.

The City, fulfilling HUD's request, updated the *Citizen Participation Plan* to include the *Assessment of Fair Housing* and the criteria needed for substantial revisions. In addition, staff deemed necessary to amend and clarify portions of the *Citizen Participation Plan* eliminating repetitive language, including the expanded use of technology to engage its citizens, and eliminating contradicting terms found in the previously amended *Citizens Participation Plan*. Furthermore, the City, following the language provided by the regulations, condensed and clarified the criteria triggering any *Substantial Amendment* of the *Consolidated Plan* and annual *Action Plans*. This change has an objective measure of 50% alteration that takes the interpretation of the plan out of the process of determining if an amendment is substantial or not.

This amendment also includes reference to the Affordable Housing Advisory Committee ("AHAC") as the advisory body to the Division on housing and community development issues, instead of the Community Development Advisory Committee ("CDAC") which no longer exists, as stated in Ordinance 2014-3841 Governing Agencies, Board and Committees.

CONCLUSION

The Administration recommends approval of the amended *Citizens Participation Plan*, attached hereto as Exhibit "A", in order to conform with the federal regulations and Miami Beach Ordinance No. 2014-3841; which amended *Citizen Participation Plan* includes, among other clarifications, the addition of the *Assessment Of Fair Housing*, to be included with the *Consolidated Plan*, the *Annual Action Plan*, and the *Performance Report*; and further clarifying the criteria which would trigger a substantial review of the *Assessment of Fair Housing* or a substantial amendment to the *Consolidated Plan* or the *Annual Action Plan*.

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JLM/KGB/MLR/TAE

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING THE AMENDMENT OF THE CITIZEN PARTICIPATION PLAN IN THE FORM ATTACHED TO THIS RESOLUTION, TO CONFORM WITH FEDERAL REGULATIONS AND MIAMI BEACH ORDINANCE NO. 2014-3841; WHICH AMENDED CITIZEN PARTICIPATION PLAN INCLUDES, AMONG OTHER CLARIFICATIONS, THE ADDITION OF THE ASSESSMENT OF FAIR HOUSING, TO BE INCLUDED WITH THE CONSOLIDATED PLAN, THE ANNUAL ACTION PLAN, AND THE PERFORMANCE REPORT; AND FURTHER CLARIFYING THE CRITERIA WHICH WOULD TRIGGER A SUBSTANTIAL REVIEW OF THE ASSESSMENT OF FAIR HOUSING OR A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN OR THE ANNUAL ACTION PLAN.

WHEREAS, the City of Miami Beach is a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) federal grant funds; and

WHEREAS, the City's Consolidated Plan is both a planning document and an application for federal funds, and addresses the CDBG and HOME formula grant programs; and

WHEREAS, as a recipient of CDBG and HOME funds, the U.S. Department of Housing and Urban Development (HUD) requires that the City have a detailed *Citizen Participation Plan*; and

WHEREAS, the Mayor and City Commission adopted the existing Citizen Participation Plan on July 19, 1978 via Resolution No. 78-15672, and said Plan was subsequently amended on the following dates: September 21, 1983 (Resolution No. 83-17475); March 16, 1988 (Resolution No. 88-19190); November 16, 1994 (Resolution No. 94-21410); April 5, 1995 (via Resolution No. 95-21538); October 7, 1998 (via Resolution No. 98-22927); and February 21, 2001 (Resolution No. 2001-24262); and

WHEREAS, as per CFR 24, Section 91.105, local jurisdictions must amend their *Citizen Participation Plan* to add the *Assessment of Fair Housing* ("AFH") and any criteria for substantial revisions to the *Citizen Participation Plan*; and

WHEREAS, the City now deems it necessary to amend and clarify certain portions of its *Citizen Participation Plan* eliminating repetitive language and including the expanded use of technology to engage its citizens; and

WHEREAS, the City, following the language provided by the regulations, condensed and clarified the criteria triggering any substantial amendment of the *Consolidated Plan* and annual *Action Plans*; and

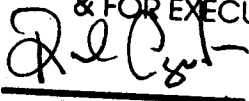
WHEREAS, the City advertised the changes to its *Citizen Participation Plan* during a public comment period that began December 24, 2015, and ended January 23, 2016 with no comments being received.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the amendment of the Citizen Participation Plan in the form attached to this Resolution, and Miami Beach Ordinance No. 2014-3841; which amended Citizen Participation Plan includes, among other clarifications, the addition of the Assessment Of Fair Housing, to be included with the Consolidated Plan, the Annual Action Plan, and the Performance Report; and further clarifying the criteria which would trigger a substantial review of the Assessment of Fair Housing or a substantial amendment to the Consolidated Plan or the Annual Action Plan.

PASSED AND ADOPTED this ____ day of _____, 2016.

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney  1/21/16
Date

EXHIBIT "A"

**CITY OF MIAMI BEACH
CITIZEN PARTICIPATION PLAN**

Amended
February 10, 2016

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PROCESS FOR CITIZEN INVOLVEMENT

BACKGROUND

A requirement of the Consolidated Plan is a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation. The purposes of this Citizen Participation Plan are to:

- provide for citizen participation to assure effective citizen involvement, in an advisory role, in the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, the Annual Action Plan, any substantial amendments to the Annual Action Plan, the annual performance reports, the Assessment of Fair Housing, and any of its revisions prior to their submittal to HUD; and
- encourage effective citizen participation, with particular emphasis on participation by persons of low- and moderate-income; who are residents of slum and blighted areas and who live in the community development target areas; and minority groups, in implementing these federally-funded programs in accordance with the federal regulations found at 24 CFR Part 91.

The Citizen Participation Plan also sets out the public's role in the planning, implementation, and assessment of the programs covered by the Consolidated Plan and the One-Year Action Plan (together, the "Plan") for Federal Funds including: the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships (HOME) program, any substantial amendments thereto; the performance reports submitted to HUD, and the Assessment of Fair Housing ("AFH") and any revisions to it.

GENERAL GUIDELINES FOR CITIZEN PARTICIPATION

During the stages of the Plan and the AFH processes including preparation, revisions, substantial amendments, and performance, the City will take actions to provide for and encourage the participation of all its residents. This includes low- and moderate-income residents where housing and community development funds may be spent. Citizen involvement is accomplished by the following methods:

1. Consulting with the Housing Authority of the City of Miami Beach and the local Community Housing Development Organization(s) (CHDOs) to encourage the participation of residents of public and assisted housing in the development of the Plan and/or AFH;
2. Communicating with providers of services to special needs or other assisted housing serving lower income clientele, minorities, non-English speaking persons, and persons with mobility, visual, or hearing impairments;
3. Communicating with local Community Development Corporations, the Miami Beach Service Partnership as social service providers, public health agencies and adjoining local governments concerning the needs of low- and moderate-income residents;
4. Advertising meeting(s)/hearing(s) in newspaper(s) of general circulation, the City's Web site, and the City's public access television channel(s); and
5. Ensuring that all citizens wishing to submit their view be offered an opportunity.

The Affordable Housing Advocacy Committee (AHAC), an eighteen (18) member citizen advisory group, will be actively involved in the formulation of the Plan and will host public meeting(s) and hearing(s) to obtain citizen input at the initial stages of development of the Plan and the AFH.

DEVELOPMENT OF THE AFH AND THE PLAN

Before the City adopts the Plan, the City will place a notice in the newspaper of general circulation and on the City's Web site providing salient information including the amount of assistance the City expects to receive; the range of activities that may be undertaken; and the estimated amount that will benefit low- and moderate-income persons.

ANTI-DISPLACEMENT

For federally funded activities the City will attempt to avoid any displacement. In the event that the City undertakes an activity with federal funding that would involve displacement, the City will follow the procedures identified within the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

PUBLISHING THE PLAN

A public notice with a summary of the proposed Plan and/or AFH will be published in a newspaper of general circulation. The summary will describe the contents and purpose of the Plan or AFH.

Copies of the entire proposed Plan and/or AFH will be available for public review at the following locations:

City of Miami Beach - City Hall
1700 Convention Center Drive
Miami Beach, FL 33139
Office of the City Clerk and the Office of Housing and Community Services Division

After HUD acceptance, the Plan and/or AFH, along with any amendments and/or revisions, and the performance report will be available to the public at the Office of Housing and Community Services Division ("Division") and on the City's Web site - <http://www.miamibeachfl.gov>.

PUBLIC HEARING REQUIREMENTS

Opportunity for public comments are welcome at 8:30 a.m. on Commission meetings in the Commission Chambers, located on the third floor of the City Hall, and are televised on the City's public access channel. Public hearings will obtain citizens' views and provide responses to proposals and questions of citizens, public agencies, and other interested parties.

A separate public hearing will be held during the Plan and AFH planning process to allow for citizen participation before the proposed Plan and/or AFH are (is) published to receive comments on the housing and community development needs and affirmatively furthering fair housing. This meeting will take place during the monthly AHAC meeting as per the planning timeline.

The presentation of proposed activities, the adoption of the Plan and/or the AFH, as well as any amendments and/or revisions will be held during a Commission meeting allowing time for public comment.

The Commission Chambers is accessible to accommodate persons with disabilities. Anyone requiring special accommodations is encouraged to call the Division four business (4) days prior to the scheduled meeting(s). Non-English speaking residents are encouraged to inform the Division of attendance four (4) days prior to the scheduled meetings to allow arrangements to be made for

an interpreter.

NOTICE OF HEARINGS

Notice of public hearings, including time, place and purpose of the meeting will be published at least fifteen (15) days before the hearing in the non-legal section of a newspaper of general circulation, adding that information for non-English speakers will be provided upon request by contacting the Division.

ACCESS TO COMMUNITY MEETINGS

At least two public community meetings will be held annually. Notice of the time, date, location, and purpose of the meetings is publicized in a newspaper of general circulation and on the City's Web site. Additional effort is made through direct e-mails to nonprofits, neighborhood groups, and other organizations to encourage and emphasize the involvement of low- and moderate-income residents. Meetings will be held in the Division's conference room. Additional locations that satisfy these requirements may also be used.

All public community meeting sites are accessible to persons with mobility impairments. Anyone requiring special accommodations is encouraged to call the Division four (4) business days prior to the meetings. Non-English speaking residents are encouraged to inform the Division of attendance four (4) days prior to the scheduled meetings to allow arrangements to be made for an interpreter.

CONSIDERATION OF PUBLIC COMMENTS

The City will receive comments or views regarding the proposed Plan and/or AFH, amendments and/or revisions for a period of at least thirty (30) days prior to its submission to HUD. Citizens, representatives of organizations, or representatives of units of local government, can present their comments either in writing to the Division or orally at public or community meetings. A summary of the public comments and/or views received will be attached to the Plan and/or AFH, amendments and/or revisions. The City's response to the comments or views shall also be included.

PROCEDURES FOR HANDLING COMPLAINTS RELATED TO THE PLAN

Any citizen may file a written comment or complaint concerning the Plan, its Amendments, the AFH, its revisions, and the annual performance report with the Office of Housing and Community Development Division, 1700 Convention Center Drive, Miami Beach, FL 33139. All complaints must include the name and address of the person(s) filing the complaint; a description of the act or acts considered to be in violation; and other available pertinent information which will assist in the review and resolution of the complaint. Such complaints should be filed within thirty (30) days of the alleged discriminatory act. The Division will respond, in writing, to all written citizen complaints within fifteen (15) working days, where practicable.

CRITERIA AND PUBLIC COMMENT PERIOD FOR AMENDMENT TO THE PLAN

The City will amend the Plan whenever one of the following occurs:

1. A change in allocation priorities or a change in the method of distributing funds;
2. Funding an activity using funds from any program covered by the Plan (including program

- income) not previously described in the One Year Action Plan; or
3. A change in the purpose, scope, location or beneficiaries of an activity.

The public will be informed of an amendment that does not rise to the level of a substantial amendment by notice posted on the City's Web site. The notice will contain a description of the change which will be concurrently submitted to HUD.

If changes in the City's Plan constitute a substantial amendment, citizens will be given reasonable notice of the proposed amendment and be provided a thirty (30) day comment period. A "Substantial Amendment" will be triggered by:

- A change in the use of funds from one eligible activity to another which results in a substantial alteration of the purpose, scope, location, or beneficiaries of an eligible activity. A substantial alteration is understood to affect 50% or more of the activity as proposed.

A public notice of the proposed substantial amendment will be published in a newspaper of general circulation and a public hearing will be held. The City will consider any comments or views received in writing, or orally at public hearing, in preparing the substantial amendment. A summary of the comments and the City's response shall be attached to the substantial amendment.

PERFORMANCE REPORTS

The City will receive comments on performance reports for a period of at least fifteen (15) days before it is submitted to HUD. Its availability will be noticed via a newspaper of general circulation, the City's Web site, its e-magazines and various social media. A summary of the views and comments received in writing or orally at the public hearing will be attached to the performance report with the City's response.

CRITERIA AND PUBLIC COMMENT PERIOD FOR REVISIONS TO THE AFH

The City will review its AFH whenever there is a "material change" that substantially alters the information upon which the AFH is based so that the analysis, fair housing contributing factors, or priorities and goals do not reflect the current situation. Samples of these material changes could be:

- Presidentially-declared disaster
- Major demographic changes and/or
- By HUD request if a significant change is detected

Significant revisions to the AFH shall be made available to the citizens for a thirty (30) day comment period before the AFH is submitted to HUD for review.

AVAILABILITY TO THE PUBLIC

The following documents will be available to the public from 8:30 a.m. to 5:00 p.m., Monday through Friday (except for City holidays) at the Office of Housing and Community Services Division.

1. The Citizen Participation Plan;
2. The Consolidated Plan and Annual Plans;
3. Substantial Amendments
4. The Annual Performance Reports; and

5. The Assessment of Fair Housing and any revisions.

These documents will be available in a form accessible to persons with disabilities upon request by contacting the Division either in person or by phone.

ACCESS TO RECORDS

The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to the documents stated above relating to the Plan, and the use of assistance under the programs covered by the Plan for the preceding five years, as well as related to the AFH and its revisions.

TECHNICAL ASSISTANCE

The City shall provide technical assistance to groups representative of persons of low- and moderate-income that request assistance in developing proposals for funding assistance under the Plan or commenting on the AFH. Technical assistance provided may include, but not limited to:

1. Information related to housing and community development;
2. Responding to citizen's inquiries regarding the Plan and the programs it covers;
3. Making referrals to other local, state and federal agencies, when necessary;
4. Responding to requests for assistance in developing proposals for funding; and
5. Information related to the AFH including analysis and fair housing contributing factors.

THE AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)

PURPOSE AND FUNCTION OF THE COMMITTEE

The Affordable Housing Advisory Committee ("AHAC" or the "Committee") shall serve as an advisory body to the Division staff and City Commission on housing and community development issues, representing all residents of Miami Beach especially those directly affected by the Plan. The role of the AHAC is to provide input regarding all phases of the housing and community development programs, and effectuate and encourage citizen participation from all individuals, especially low- and moderate-income persons and residents of Community Development target areas.

The advisory services of the AHAC include, but are not limited to, the formation of the Plan. However, the Committee or its officers will have no powers to make administrative decisions or direct staff actions. The Committee shall facilitate community involvement regarding housing and non-housing community development activities and shall serve as a forum to hear citizen concerns, priorities, views and proposals.

The Division Director or his/her designee shall provide technical assistance to the Committee and shall be the liaison between the Committee and the City Administration.

GENERAL REQUIREMENTS FOR MEMBERSHIP ON AHAC

Composition

The composition of the AHAC shall comply with Ordinance 2014-3841, Agencies, Boards and Committees, as the same may be amended from time to time. The Committee shall be composed of eighteen (18) appointed members. Seven (7) of the appointees are direct appointments of the Mayor and the City Commissioners and must either be a resident of or demonstrate ownership/ interest in a business established in a locally designated Community Development target area for a minimum of six(6) months. The remaining eleven (11) of the members shall be appointed at-large by a majority vote of the Mayor and City Commission and meet the criteria as outlined in Florida State Statute 420.9076.

The eighteen (18) members shall be appointed to represent city-wide concerns, and should be selected on the basis of their ability to provide expertise in areas of relevance to housing and community development programs (e.g. planning, law, real estate, social work, housing, homelessness, etc.). No AHAC member may submit an application for any City/HUD-funded assistance program on any property or business in which they own or retain an interest. In making their appointments, the Commission takes into consideration the need for representation of low- and moderate-income persons, minority citizens, and residents of slum and blighted areas.

City of Miami Beach employees or appointed or elected officials directly involved with the utilization or approval of community development funds and/or expenditures is ineligible for membership on the AHAC. Members shall not be in conflict of interest as outlined below. Moreover, neither AHAC members nor firms who employ AHAC members may provide consulting or other services to sub-recipients.

Conflict Of Interest

AHAC members must comply with all federal regulations, specifically those listed under 24 CFR 570.611 for the CDBG Program, 24 CFR 92.356 for the HOME Program; Florida Statutes 112.3143 (1989); and City of Miami Beach Ordinance 2014-3841, which addresses conflicts of interest, as same may be amended from time to time; and any other laws, regulations or ordinances affecting conflicts of interest. All City of Miami Beach, State of Florida and/or HUD legal opinions concerning AHAC conflicts of interest will be followed.

Vacancies

Consistent with the Section entitled "Composition" above and ordinance 2014-3841, vacancies which may occur on the Committee, shall be filled by City Commission appointment. The City Manager will give advance notice to the City Commission by notification in the agenda of any vacancies on the AHAC.

Term Of Appointment

The term of appointment shall be two years from January 1st through December 31st. Appointments for the two-year term will be made by the City Commission in January with vacancies filled as soon as possible in order to maintain continuity.

MEETINGS

Compliance with Sunshine Amendment Requirements

All meetings of any board or commission of a municipal corporation at which official acts are to be

taken are declared public meetings and open to the public at all times, and no rule, resolution or formal action shall be considered binding except as may be taken at such meeting. All AHAC meetings will comply with the requirements of Florida's "Sunshine Amendment" and will be held in the open.

Meeting Notices and Scheduling

The Committee Liaison, with input from the AHAC Chairperson, will set the time and place of meetings. Regular and special purpose meetings may be held at the City of Miami Beach City Hall, located at 1700 Convention Center Drive, which is a facility located in a designated community development (low/moderate income) target area, and is accessible to the handicapped. Members of the community are encouraged to attend AHAC's meetings. Regular meeting notices shall be provided in advance. In the case of a special meeting, a notice will be made as early as possible in advance of such meeting, by personal communication and public notice. The Division will make every effort to provide appropriate assistance with the mailing of meeting summaries, agendas and notices.

Regular Meetings

The AHAC will hold public meetings to discuss and provide recommendations on the proposed use of funds and give citizens the opportunity to (i) express needs and comments and (ii) submit proposals for consideration. Committee meetings will be held monthly, or as needed, and will be coordinated with the schedule for the preparation of funding recommendations for all HUD program components of the Plan. A tentative schedule of the community development process for the City of Miami Beach will be made available by the Administration at the earliest possible meeting of each calendar year.

Special Meetings

In order to ensure representation from individuals residing in affected community development target areas, the Administration, in conjunction with AHAC, may hold neighborhood meetings/hearings to obtain input directly from those affected. AHAC attendance is not mandatory at these special meetings.

Annual CDBG and HOME Planning Phase Meetings

The City Administration will determine the annual costs necessary to administer the CDBG and HOME Program. The Administration will also determine the annual funding necessary to meet the required housing and community development needs and goals in accordance with the criteria established by HUD. These funds must comply with the Plan. AHAC will support no less than the minimum funding necessary to achieve these goals. The AHAC will then be asked to review the written Request for Proposals from all organizations, in order to recommend funding levels for eligible CDBG and HOME activities. Annual funding decisions are determined each year and are promulgated in a One-Year Action Plan, in accordance with the Consolidated Plan.

Citizens will be apprised of any items as specified in the National Affordable Housing Act of 1990, Public Law 101-625, the Housing and Community Development Act of 1974 as amended, and applicable regulations for the above.

ADDITIONAL REQUIREMENTS

City of Miami Beach Ordinance No.2014-3841 which is attached to this Citizen Participation Plan and the handbook provided to AHAC members, establishes additional requirements governing the operation of the AHAC including: provisions on positions within the AHAC, minimal requirements for a quorum and voting, and absences and removal, among others. The Handbook is available, upon request, at the Division.

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO TAKE THE FOLLOWING ACTIONS: (1) RECAPTURE \$188,873.37 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, WHICH CDBG FUNDS WERE PREVIOUSLY ALLOCATED PURSUANT TO THE ACTION PLANS FOR FISCAL YEARS FROM 2009 THROUGH 2011, ACTION PLANS FOR FISCAL YEARS FROM 2013 THROUGH 2015, AND the FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AND REALLOCATE SAID CDBG FUNDS, AS FOLLOWS: (a) \$16,434.45 TO HOMELESS SERVICES AND (b) \$172,438.92 TO A CAPITAL PROJECT; (2) REASSIGN \$25,000 FROM FY15/16 CDBG FUNDS TO THE CITY FOR HOMELESS SERVICES; AND (3) REALLOCATE \$73,577.24 OF CDBG FUNDS PREVIOUSLY ALLOCATED FROM FY 2011/2012 TO FY 2014/2015; AUTHORIZING CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO HUD; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS FOR SUB-RECIPIENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.):**Item Summary/Recommendation:**

1. The City is a U.S. Department of Housing and Urban Development (HUD)-designated entitlement community receiving an annual allocation of HUD funding through the Community Development Block Grant (CDBG) and HOME Investments Partnership (HOME) programs. At the end of FY 14/15, \$188,873.37 of CDBG funds were left unspent; the City is seeking to recapture and reallocate funds as follows: \$16,434.45 to public services and \$172,438.92 to capital project(s).

2. The City awarded \$25,000 via One-Year Action Plan FY 15/16 to Jewish Community Services of South Florida ("JCS") to provide case management services including homeless outreach. JCS declined the funding. Staff is seeking authorization to reassign the \$25,000 to the City's Homeless Outreach Team to engage homeless with needed services.

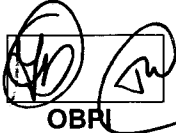
3. The Commission previously approved the reallocation of \$73,577.24 of CDBG funds from FY 11/12. However, the funds were reallocated from FY 14/15. Staff seeks this amendment to match the amendment reported to HUD.

These recaptures trigger the amendment of the *Action Plans* for FY09 - FY11 and FY13 - FY15 and the substantial amendment of the FY13-17 *Consolidated Plan*. Staff will seek HUD's final approval. City Manager and Mayor will execute the agreements as needed.

Advisory Board Recommendation:

N/A


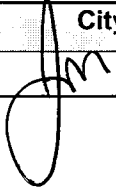
Financial Information:

Source of Funds:		Amount	Account
 OBP	1	\$188,873.37	132-5465-000345, 133-5449-000346, 134-5449-000346, 135-5449-000346, 130-5449-000345, 132-5447-000345, 132-5191-000312, 132-5471-000345, 132-1931-000343, 131-5473-000346, 131-5665-000346, 132-1931-0, 132-1931-000349, 132-5449-000346
	2	\$25,000.00	137-5191-000312
	3	\$73,577.24	135-5612-000346
	Total	\$287,450.61	

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Maria L. Ruiz, Housing & Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR 	KGB	JLM 

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO TAKE THE FOLLOWING ACTIONS: (1) RECAPTURE \$188,873.37 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, WHICH CDBG FUNDS WERE PREVIOUSLY ALLOCATED PURSUANT TO THE ACTION PLANS FOR FISCAL YEARS FROM 2009 THROUGH 2011, ACTION PLANS FOR FISCAL YEARS FROM 2013 THROUGH 2015, AND the FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AND REALLOCATE SAID CDBG FUNDS, AS FOLLOWS: (a) \$16,434.45 TO HOMELESS SERVICES AND (b) \$172,438.92 TO A CAPITAL PROJECT; (2) REASSIGN \$25,000 FROM FY15/16 CDBG FUNDS TO THE CITY FOR HOMELESS SERVICES; AND (3) REALLOCATE \$73,577.24 OF CDBG FUNDS PREVIOUSLY ALLOCATED FROM FY 2011/2012 TO FY 2014/2015; AUTHORIZING CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO HUD; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS FOR SUB-RECIPIENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The City is a U.S. Department of Housing and Urban Development (HUD)-designated entitlement community as determined by the decennial census information on population growth lag, age of housing stock, and poverty. As an entitlement community, the City receives an annual allocation of HUD funding through the Community Development Block Grant (CDBG) and HOME Investments Partnership (HOME) programs. HUD requires entitlement jurisdictions to submit a Five-Year *Consolidated Plan* which establishes the strategic framework upon which the City utilizes its funds. The *Consolidated Plan* is augmented and refined by the City's annual submission of a One-Year *Action Plan* which delineates the specific projects and activities funded by each year's HUD allocation.

The CDBG Program has timeliness requirements regarding the expenditure of funds. CDBG funds must be expended so that the total amount of funds in the City's allocation account never exceeds 1.5 times its annual allocation. HUD further requires its entitlement jurisdictions to

ensure that funded activities are carried out in the defined project scope and within the timeframe allowed. The City's *Action Plan* is monitored throughout the year to ensure compliance with federal regulations and progress towards the National Objective, which requires providing persons of low- and moderate-incomes with decent housing, a suitable living environment and/or expanded economic opportunities.

From time-to-time, it may be necessary for the City to process a "Substantial Amendment" to the Five-Year *Consolidated Plan* or the One-Year *Action Plan* to allow for the funding of new activities, modification of existing activities, or other program administrative actions. The City is required by HUD [24 CFR 91.505 (b)] to identify the criteria to be used in determining if a proposed action will be considered a "Substantial Amendment" in its City's Citizen Participation Plan. The City has established the following as criteria for an amendment to be considered "Substantial":

1. A change in the use of funding from one eligible use to another;
2. If the service area, budget or beneficiaries is changed so that 50% or more of the intended beneficiaries are no longer able to benefit from the project. This does not include a budgetary change in a direct benefit or other project where a service or other benefit is available so long as funds are available;
3. If the location of the project is changed so that 50% or more of the intended beneficiaries are no longer able to benefit from the project; or
4. If the project's location or eligible recipients are changed so that 50% or more of the intended beneficiaries are no longer able to benefit from the project.

Any proposed amendment considered a "Substantial Amendment" is subject to the Citizen Participation process. This process includes a thirty (30) day public notice to provide the opportunity for the public to review and comment on the proposed substantial amendments to the City's FY 2009 through 2011 and 2013 through 2015 *Action Plans* and to the FY 2013 through 2017 *Consolidated Plan* prior to their implementation by formal action of the City Commission. The Substantial Amendment is then transferred to HUD for final approval. The City issued a 30-day notice of public comment welcoming public input to the proposed substantial amendments. The public comment period was from December 24, 2015 through January 23, 2016. No comments were received.

ANALYSIS

1. Recaptures

The City awarded CDBG funds to a variety of recipients who were unable to fully expend their funds as noted below:

Agency Awarded	Activity Funded	Amount Awarded	Amount Unexpended	Account Number
Get Credit Healthy	Credit Counseling	\$21,437.00	\$ 19,587.97	132-5465-000345
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 88,606.00	\$ 1,638.60	133-5449-000346
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 148,190.00	\$ 242.00	134-5449-000346

Agency Awarded	Activity Funded	Amount Awarded	Amount Unexpended	Account Number
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 100,000.00	\$ 5,816.59	135-5449-000346
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 100,000.00	\$ 21,088.30	130-5449-000345
City – Community Services	Emergency Assistance	\$ 48,905.00	\$ 2,828.33	132-5447-000345
Jewish Community Services of Greater Miami	Case Management Services	\$ 26,000.00	\$ 3,188.53	132-5191-000312
Teen Job Corps	Youth employment	\$ 35,000.00	\$ 482.76	132-5471-000345
Previous years - Unexpended			\$ 894.17	132-1931-000343
Boys and Girls Club Youth Center	Youth Center	\$ 200,000.00	\$ 764.55	131-5473-000346
MBCDC	Meridian Apartments	\$69,894.00	\$ 6,989.40	131-5665-000346
City Of Miami Beach	Administrative		\$ 70,717.12	132-1931-0
City of Miami Beach	Other Contractual Services		\$ 135.04	132-1931-000349
Jewish Community Services of Greater Miami ¹	Senior Center Improvements	\$ 54,500.00	\$ 54,500.00	132-5449-000346

1 – Jewish Community Services declined the funds after award but before contract execution.

- *Get Credit Healthy* received CDBG funding in FY 14/15 to provide credit counseling services to low- and moderate-income residents of the City. The agency was unable to expend its full award and \$19,587.97 is being sought for recapture.
- *Jewish Community Services* received CDBG funding from five different fiscal years to support the rehabilitation of the Miami Beach Senior Center located at 610 Española Way. Small amounts from four different fiscal years (FY 09/10, 10/11, 11/12 and 13/14) remained unspent when the project was finalized in July of 2015. The fifth grant award from last year's funding (FY 14/15), which provided additional scope to the rehabilitation project, was declined by Jewish Community Services in October 2015. In addition, Jewish Community Services was unable to expend \$3,188.53 from FY 14/15 funds awarded to support its case management activities. The total amount of funds being sought for recapture from Jewish Community Services is \$86,474.02.
- The City's *Office of Community Services* received funding in FY 14/15 to provide emergency services including rent and utility assistance to low- and moderate-income households. The division was unable to expend its full award and \$2,828.33 is being sought for recapture.
- *Teen Job Corps* received CDBG funding in FY 14/15 to provide employment for low-income youth. The agency was unable to expend its full award and \$482.76 is being

sought for recapture.

- A balance of \$894.17 unspecified CDBG funds that remained unspent from previous fiscal years is being sought for recapture.
- *Boys and Girls Club of Miami-Dade, f/k/a Boys and Girls Clubs of Miami*, received funding in FY 07/08 to support the construction of its Miami Beach youth center located at 1200 Meridian Avenue. Although the project is still ongoing, the agency was unable to expend its full award in a timely manner and \$764.55 is being sought for recapture.
- *Miami Beach Community Development Corporation (MBCDC)* received funding in FY 07/08 to support the rehabilitation of the Meridian Apartments, a 34-unit building dedicated to low- and moderate-income rental housing located at 530 Meridian Avenue. The agency was unable to expend its full award in a timely manner and \$6,989.40 is being sought for recapture.
- *Administrative funds* received during FY 14/15 that remained unspent at the end of the fiscal year in the amount of \$70,852.16 are being recaptured pursuant to HUD regulations.
- A balance of \$135.04 allocated to the acquisition of the Barclay Plaza Apartments from FY 14/15 is being sought for recapture as it was not needed for acquisition.

The funds being sought for recapture will be reallocated as follows:

Public Services funds in the amount of \$16,434.45 are being reallocated to the Homeless Outreach Team to provide Temporary Employment of Homeless persons being assisted with shelter. This increase in the amount of Public Services places the City at the 15% limit for public services allocation based on its award for FY 15/16. The balance of \$172,438.92 is being reallocated to a capital project(s) yet to be selected by the Office of Housing and Community Development, a Division of the Office of Housing and Community Services, of those residential buildings recently purchased that are in need of repairs.

Jewish Community Services (JCS) was awarded \$25,000 of CDBG funds via One-Year *Action Plan* for FY 15/16 approved by City Commission on July 8, 2015 through Resolution No.2015-29080. The purpose of the award was to provide case management services including homeless outreach. On October 1, 2015, JCS notified the City that it was not interested in moving forward with the proposed activity leaving the City with the unmet need to engage the homeless with needed services. The Homeless Outreach Team was identified as a possible subrecipient who can meet the needs of the homeless so that CDBG funds continue providing vital services for the community. The service area, budget and beneficiaries of the proposed program remain the same. As a result, \$25,000 previously allocated to JCS will be reallocated to the Homeless Outreach Team to provide an expanded Homeless Outreach effort.

2. Amendment to Previous Actions

- The City Commission adopted Resolution No. 2014-28877 approving and authorizing the City Manager to reallocate \$73,577.24 of CDBG funds from FY 11/12. However, the funds were reallocated from FY 14/15. This amendment to the City Commission previous action seeks to match the amendment reported to HUD and the allocation of

funds between City accounts.

- The City Commission adopted Resolution No. 2015-29122 approving the reallocation of \$271,000 HOME Investment Partnership (HOME) funds from prior years and reallocating \$48,343 of HOME funds from the Meridian Place Apartments to the London House Apartments affordable housing project. Although these reallocations were approved by the City Commission, the Substantial Amendment caused by the amount of the reallocations required a thirty (30) day public comment period. Staff has now complied with the Citizen Participation Plan requirements for substantial amendments with a thirty (30) day public comment period from December 24, 2015 to January 23, 2016. During the public comment period no comment were received. The City will submit the Substantial Amendment to HUD for final approval.

CONCLUSION

The Administration recommends approval for the recapture of CDBG funds, amending the *Action Plans* and *Consolidated Plan* and submitting them for approval as required by HUD; reallocating the funds as noted, and subsequently executing the required agreements.

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JLM/KCB/MLR/TAE

RESOLUTION TO BE SUBMITTED

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R7 - Resolutions

- R7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Second Amendment To Lease Agreement With The Miami Beach Police Athletic League, Inc. (PAL), Substantially In The Form Attached To This Resolution, Relating To The Building Located At 999 11th Street (Premises); Said Amendment Establishing The Permitted Uses Under The Lease; Clarifying And Establishing Terms Relating To The Shared Use Of The Premises By The City And PAL; Clarifying The Operational, Management, And Maintenance Obligations With Respect To The Shared Use Of The Premises; Providing PAL With A \$1.00 Per Hour Of The Off-Duty Police Surcharge During The Term Of The Lease; And Further Extending The Lease Agreement Term For An Additional Two (2) Years, Through And Including June 30, 2025.

(Police)

(Deferred from January 13, 2016 - R7G)

(Item to be Submitted in Supplemental)

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R7 - Resolutions

- R7K A Resolution Authorizing The City Manager To Enter Into Consent Orders With The State Of Florida Department Of Health For Permit Violations Associated With Water Systems Being Placed Into Service Without The State Of Florida, Department Of Health Approval Or Clearance In Violation Of 62-555.345, F.A.C. And 403.121(3)(a).

(Public Works)

(Item to be Submitted in Supplemental)


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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and
Members of the City Commission
Jimmy L. Morales, City Manager

FROM: Commissioner Michael Grieco 

DATE: February 10, 2016

SUBJECT: VPK – Pre-kindergarten Interlocal with Miami-Dade County School Board

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSISTENT WITH THE CITY COMMISSION ACTION OF DECEMBER 9, 2015, PURSUANT TO RESOLUTION NO. 2015-29222, THE CITY COMMISSION APPROVES AND AUTHORIZES THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT ("AGREEMENT"), ATTACHED HERETO AS "EXHIBIT 1", BETWEEN THE CITY OF MIAMI BEACH ("CITY") AND THE MIAMI-DADE COUNTY SCHOOL BOARD (M-DCSB) IN WHICH THE CITY WILL FUND, FOR A THREE YEAR TERM, CERTAIN PREKINDERGARTEN CLASSES FOR ELIGIBLE CITY OF MIAMI BEACH RESIDENTS, AND THE PREKINDERGARTEN SERVICES WOULD BE OFFERED AT BISCAYNE ELEMENTARY SCHOOL AND FIENBERG/FISHER K-8 CENTER UNDER THE TERMS OF THE ATTACHED AGREEMENT, WHICH PRE-KINDERGARTEN SERVICES MAY BE ACCESSED BY CITY OF MIAMI BEACH RESIDENT CHILDREN FROM THE FOUR TARGETED SCHOOLS (BISCAYNE ELEMENTARY SCHOOL, FIENBERG/FISHER K-8 CENTER, NORTH BEACH ELEMENTARY SCHOOL AND SOUTH POINTE ELEMENTARY SCHOOL) FOLLOWING THE REGISTRATION AND LOTTERY PROCEDURES DELINEATED IN THE INTERLOCAL AGREEMENT; WITH AN ESTIMATE COST OF \$206,558 IN START-UP COSTS FOR YEAR ONE, AND AN ESTIMATED REOCCURRING COST FOR YEARS TWO AND THREE OF APPROXIMATELY \$140,402, PER GRANT YEAR, TO FUND THE ON-GOING COSTS OF THE CLASSROOMS IDENTIFIED IN THE AGREEMENT.

BACKGROUND

On December 9, 2015, I presented an action item to the City Commission, which resulting in the unanimous adoption of Resolution No. 2015-29222, authorizing funding towards the VPK program, for up to two classrooms, per year. As the Mayor and Commission are aware, this is the City's opportunity to be the first municipality to make up for the instances where the State has failed to provide adequate education to the children of our City. The first resolution ensured that the budget existed to fund the VPK program, to meet the existing demands. This second resolution develops the Interlocal Agreement to implement the funding action.

During the December 9, 2015 City Commission meeting it was represented that Miami-Dade Public Schools (M-DCPS) has made efforts to go well beyond the basic three-hour, uncertified VPK "funded" by the State of Florida. The M-DCPS program provided an estimated cost that far exceeded the \$2,400 per-student State allocation. The several thousand dollar per-student shortfall was contemplated to be made up Countywide solely from available Title I funding, which is insufficient for the demand in Miami Beach. In order to ensure M-DCPS VPK availability for the 55 families that have been identified as needing services, the City Commission authorized an estimated first year funding allocation of \$253,000.00, with proposed two year extensions requiring an estimated \$189,042.00, per year.

The City Commission contemplated executing an Interlocal Agreement with M-DCPS relating to the proposed three year funding commitment. The City Attorney's office has negotiated an agreement with M-DCPS to provide funding for one prekindergarten classroom at each of the following schools: Biscayne Elementary School and Fienberg/Fisher K-8 Center.

The Agreement, attached to the Resolution as Exhibit 1 was negotiated to the lesser amount of \$206,558 in start-up costs for year one and an estimated reoccurring cost for years two and three of approximately \$140,402, per grant year, to fund the on-going costs of the City's two prekindergarten classrooms identified in the Agreement.

Prekindergarten services offered at Biscayne Elementary School and Fienberg/Fisher K-8 Center under the terms of this agreement may be accessed by City of Miami Beach resident children from the four targeted schools (Biscayne Elementary School, Fienberg/Fisher K-8 Center, North Beach Elementary School and South Pointe Elementary School) following the Registration and Lottery Procedures in section 1.06 of this Agreement. M-DCSB will authorize the execution of this Agreement via Administrative Action, after the City Commission approves this resolution. No M-DCSB action will be required. The remainder of the Interlocal Agreement contains the standard conditions and safeguards.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City. The City has already authorized the funding of year one of the program, and have conceptually agreed to funding years two and three. The 2016-2017 budget cycle shall contain a line item to fund this initiative.

CONCLUSION

That the Mayor and City Commission unanimously approve this resolution and attached Interlocal Agreement to support the educational needs for the children of our residents.

F:\ATTO\BOUE\Memos\Grieco Memo relating to VPK for 2 10 2016.docx

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSISTENT WITH THE CITY COMMISSION ACTION OF DECEMBER 9, 2015, PURSUANT TO RESOLUTION NO. 2015-29222, THE CITY COMMISSION APPROVES AND AUTHORIZES THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT ("AGREEMENT"), ATTACHED HERETO AS "EXHIBIT 1", BETWEEN THE CITY OF MIAMI BEACH ("CITY") AND THE MIAMI-DADE COUNTY SCHOOL BOARD (M-DCSB) IN WHICH THE CITY WILL FUND, FOR A THREE YEAR TERM, CERTAIN PREKINDERGARTEN CLASSES FOR ELIGIBLE CITY OF MIAMI BEACH RESIDENTS, AND THE PREKINDERGARTEN SERVICES WOULD BE OFFERED AT BISCAYNE ELEMENTARY SCHOOL AND FIENBERG/FISHER K-8 CENTER UNDER THE TERMS OF THE ATTACHED AGREEMENT, WHICH PRE-KINDERGARTEN SERVICES MAY BE ACCESSED BY CITY OF MIAMI BEACH RESIDENT CHILDREN FROM THE FOUR TARGETED SCHOOLS (BISCAYNE ELEMENTARY SCHOOL, FIENBERG/FISHER K-8 CENTER, NORTH BEACH ELEMENTARY SCHOOL AND SOUTH POINTE ELEMENTARY SCHOOL) FOLLOWING THE REGISTRATION AND LOTTERY PROCEDURES DELINEATED IN THE INTERLOCAL AGREEMENT; WITH AN ESTIMATE COST OF \$206,558 IN START-UP COSTS FOR YEAR ONE, AND AN ESTIMATED REOCCURRING COST FOR YEARS TWO AND THREE OF APPROXIMATELY \$140,402, PER GRANT YEAR, TO FUND THE ON-GOING COSTS OF THE CLASSROOMS IDENTIFIED IN THE AGREEMENT.

WHEREAS, since the Education Compact implementation on January 16, 2008, the City of Miami Beach ("City" or "CMB") has collaborated with The School Board of Miami-Dade County, FL ("School Board" or "M-DCPS") to improve educational opportunities for youth in the City; and

WHEREAS, the Miami Beach City Commission supports entering into an Interlocal Agreement (Agreement) with the School Board whereby the City will fund certain prekindergarten classes for eligible City of Miami Beach residents; and

WHEREAS, on December 9, 2015, the City Commission passed and adopted Resolution No. 2015-29222, authorizing the City Manager to negotiate an agreement with M-DCPS to provide funding for one prekindergarten classroom at each of the following schools: Biscayne Elementary School and Fienberg/Fisher K-8 Center; and

WHEREAS, pursuant to Resolution 2015-29222, the City Commission preliminarily authorized an amendment to the 2015-2016 budget to provide the grant funds, to ensure M-DCPS prekindergarten availability for the 55 Miami Beach families that were unable to participate in the M-DCPS Title I prekindergarten program, with a proposed first year funding allocation of \$253,000.00, and with an additional two years of funding estimated at \$189,042.00, per year; and

WHEREAS, the Agreement, attached hereto as Exhibit 1, was negotiated to the lesser amount of \$206,558 in start-up costs for year one, and an estimated reoccurring cost for years two and three of approximately \$140,402, per grant year, to fund the on-going costs of the City's two prekindergarten classrooms identified in the Agreement; and

WHEREAS, Prekindergarten services offered at Biscayne Elementary School and Fienberg/Fisher K-8 Center under the terms of this agreement may be accessed by City of Miami Beach resident children from the four targeted schools (Biscayne Elementary School, Fienberg/Fisher K-8 Center, North Beach Elementary School and South Pointe Elementary School) following the Registration and Lottery Procedures in section 1.06 of this Agreement; and

WHEREAS, M-DCSB will authorize the execution of this Agreement via Administrative Action, after the City Commission approves this resolution; and

WHEREAS, the administration recommends authorizing the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,

PASSED and ADOPTED this _____ day of February, 2016.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Dal Quint
City Attorney

1-29-15
Date

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INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (Agreement) is made and entered into as of this ____ day of _____, 2016, (the Effective Date, which shall be the date this Agreement is fully executed) by and between

THE SCHOOL BOARD OF MIAMI DADE-COUNTY, FLORIDA

a political subdivision of the State of Florida,
whose principal place of business is
1450 N.E. 2nd Avenue
Miami, Florida 33132

And

THE CITY OF MIAMI BEACH, FLORIDA

a body corporate and political subdivision of the State of Florida,
whose principal place of business is
1700 Convention Center Drive
Miami Beach, Florida 33139

WHEREAS, since the Education Compact implementation on January 16, 2008, the City of Miami Beach (“City” or “CMB”) has collaborated with The School Board of Miami-Dade County, FL (“School Board” or “M-DCPS”) to improve educational opportunities for youth in the City; and

WHEREAS, the Miami Beach City Commission supports entering into an Agreement with the School Board whereby the City will fund certain prekindergarten classes for eligible City of Miami Beach residents; and

WHEREAS, on December 9, 2015, the City Commission passed and adopted Resolution No. 2015-29222 authorizing the City Manager to negotiate an agreement with M-DCPS, for the City to provide funding to M-DCPS for one prekindergarten classroom (“VPK”) at each of the following schools: Biscayne Elementary School and Fienberg/Fisher K-8 Center; and

WHEREAS, Prekindergarten services offered at Biscayne Elementary School and Fienberg/Fisher K-8 Center under the terms of this agreement may be accessed by City of Miami Beach resident children from the four targeted schools (Biscayne Elementary School, Fienberg/Fisher K-8 Center, North Beach Elementary School and South Pointe Elementary School) following the Registration and Lottery Procedures in section 1.06 of this Agreement; and

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1 – RECITALS AND DEFINITIONS

1.01 Recitals

M-DCPS and CMB (the “Parties”) agree that the foregoing recitals are true and correct and that such recitals are incorporated into this Agreement by reference.

1.02 Purpose and Goals

The purpose of the prekindergarten services program, known as the VPK Program, is to provide four-year-old children with a variety of meaningful learning experiences in environments that give them opportunities to create their own knowledge, through initiatives shared with supportive adults. The program’s curriculum framework focuses on active learning, early literacy, adult-child interactions, the daily routine, the learning environment, and assessment. The goals of the program serve as a conceptual framework, within which the foundation for successful learning is developed and implemented. They are as follows:

- support a positive self-image in the child;
- enrich the language and literacy skills of the prekindergarten child;
- provide experiences that will enhance the child's knowledge of the world around him/her;
- encourage the development of a support system between home and school;
- promote social, emotional, physical, and cognitive development through developmentally appropriate activities; and
- develop skills that are necessary for future success in learning.

1.03 Eligibility Requirements

Under this Agreement, two schools, Biscayne Elementary School and Fienberg /Fisher K-8 Center, have the capacity to house one CMB VPK classroom each. M-DCPS will implement current VPK Program registration guidelines for the two classrooms funded by the City. Services at these schools may be accessed by City of Miami Beach resident children from the four targeted schools (Biscayne Elementary School, Fienberg/Fisher K-8 Center, North Beach Elementary School and South Pointe Elementary School) following the Registration and Lottery Procedures in Section 1.06 of this Agreement.

Requirements for Participation in the CMB VPK Program are as follows:

- Child must have attained the age of four, on or before September 1 of each school year; and
- Child must reside within the attendance boundaries of the four targeted schools.

1.04 Funding

State funding for VPK provides a three-hour program from 8:20 a.m. to 11:20 a.m., Monday through Friday. In addition, M-DCPS offers a Prekindergarten Enrichment Program from 11:20 a.m. through 1:50 p.m. In the two classrooms identified in this agreement, CMB will fund the Prekindergarten Enrichment Program to operate under the same procedures as all M-DCPS Prekindergarten Enrichment Programs. As part of this collaboration, CMB will award the School Board a \$206,558 grant to fund the start-up costs of the two identified CMB VPK classrooms for program year 2016-2017. In subsequent years, CMB will award the School Board a \$140,402 grant per year to fund the on-going costs of the CMB VPK classrooms identified in this agreement. The personnel salaries, fringe benefits and indirect costs may fluctuate based on teacher/paraprofessional qualifications, seniority, contract requirements, retirement, surplus, and personnel changes. Attached hereto and incorporated herein as Exhibit A is the Estimated Cost Breakdown.

1.05 Class Size and Staffing Requirements

Class size of the VPK Program is limited to 20 students per classroom. Schools must adhere to the adult/student ratio of 1 to 10.

The instructional team must include one certified early childhood or prekindergarten/primary teacher, and one highly qualified (HQ) paraprofessional. Teachers and paraprofessionals must attend training in the delivery of Scholastic “Big Day for Pre-K”, the District’s literacy program, as well as the implementation of the Florida VPK Assessment and Teaching Strategies® GOLD™; which are State required. Lastly, it is the expectation that teachers will attend training for Florida Early Learning and Developmental Standards for Four-Year-Olds.

1.06 Registration and Lottery Procedures

Attached hereto and incorporated herein as Exhibit B is the City of Miami Beach VPK Choice Classes Application. All deadlines and procedures will be established and followed according to the Office of Early Childhood Programs guidelines. Parents from the four targeted schools will be able to apply for prekindergarten through the home school lottery which includes completing the official VPK Choice application. In the official VPK Choice application, parents must select one of three options: not interested, Biscayne Elementary School or Fienberg/Fisher K-8 Center. Parents of students not selected through the home school lottery will be notified via the non-selected letter from the home school that the official VPK Choice application for the Miami Beach Prekindergarten Class will be submitted for the lottery selection process. Randomized selection will be conducted by the City of Miami Beach based on the

numbers assigned per student by Biscayne Elementary School, Fienberg/Fisher K-8 Center and the North Region office. The VPK Choice Lottery will take place at a designated location determined by the City of Miami Beach.

VPK Student Selection Process

The maximum capacity in a VPK class is 20 students. If a school has more eligible applicants than the 20 slots available, a lottery must be conducted. If there are more numbers left after the 20 are selected, numbers shall continue to be selected and recorded for the creation of a waiting list.

If the applicant family has twins or triplets, the drawing of one name entitles all children to be eligible for enrollment; unless the number selected is the last one (number 20). In this case, only one of the twins or triplets will be permitted to enroll.

No selection priority is given to a family applying to enroll a child in a VPK class when older children are already enrolled at the desired school where the VPK class is located.

Lottery Participation Requirements and Procedures

Only children who have all the required documents for initial school entry will be considered to participate in the lottery selection process. All children must reside within the four selected schools attendance boundaries in order to participate in the lottery selection process. The Certificate of Eligibility (COE is not needed to participate in the lottery selection process. Assign a number to each eligible VPK applicant (child), place those numbers in a container and randomly withdraw numbers until the maximum class size (20) is reached. If there are more numbers left in the container after the 20 are selected, numbers shall continue to be selected and recorded for the creation of a waiting list.

Final Roster for Selected Students

A final roster is completed based on the names of children selected during the lottery.

Waiting List/Open Slots

Once the enrollment capacity is reached at a VPK site, a waiting list of all other eligible children must be established and ranked according to the results of the lottery. The waiting list must be used to maintain an enrollment of 20 students at all times. Parents of children on the waiting list will be contacted throughout the school year once a slot becomes available due to student withdrawals.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 Funding

State funding for VPK provides a three-hour program from 8:20 a.m. to 11:20 a.m., Monday through Friday. In addition, M-DCPS offers a Prekindergarten Enrichment Program from 11:20 a.m. through 1:50 p.m. In the two classrooms identified in this Agreement, CMB will fund the Prekindergarten Enrichment Program to operate under the same procedures as all M-DCPS Prekindergarten Enrichment Programs. As part of this collaboration, the CMB will award the School Board approximately \$206,558 in a grant to fund the start-up costs of the two identified CMB VPK classrooms for program year 2016-2017. In subsequent years, the CMB will award the School Board approximately \$140,402 in a grant per year to fund the on-going costs of the CMB VPK classrooms identified in this agreement.

Included with the funding identified under the first paragraph of this Section 2.01, the 2016-2017 school year, estimated cost breakdown for the classroom materials, supplies, and equipment for two classrooms is \$88,318. CMB shall render payment to the School Board for the classroom materials, supplies, and equipment for two classrooms upon signature of the Agreement by both Parties. Further, the estimated cost breakdown for the classroom materials, supplies, and equipment for two classrooms for subsequent years is \$22,162 and payment shall

be made by April 15 each year. The School Board will retain ownership of all purchased classroom materials, supplies, and equipment.

Attached hereto and incorporated herein as Exhibit C is the Salary Range without fringe benefits for teachers and paraprofessionals. The School Board shall provide the actual personnel salaries, fringe benefits and indirect costs to CMB for the 2016-2017 school year. CMB shall render payment to the School Board for the actual personnel salaries, fringe benefits, and indirect costs no later than September 15 each year. In subsequent years, the actual personnel salaries, fringe benefits and indirect costs may fluctuate based on teacher/paraprofessional qualifications, seniority, contract requirements, retirement, surplus, and personnel changes. At the closeout of each fiscal year, should changes in personnel increase the amount required to maintain the program with qualified teachers/paraprofessionals, CMB will be invoiced the excess funds due to the School Board. Should changes in personnel decrease the amount required to maintain the program with qualified teachers/paraprofessionals, CMB will be refunded the excess funds by the School Board.

All funds paid to the School Board for the two VPK classrooms shall be non-refundable with the exception of any changes made in the personnel line item which would require a reimbursement or a refund at the closeout of the fiscal year.

2.02 Term of Agreement

The term of this Agreement shall be effective as of the last date signed by all Parties and shall end on June 30, 2019: (a) two classrooms dedicated for Voluntary Prekindergarten classes under the terms and conditions of this Agreement; and (b) payment by CMB as provided in Section 2.01 of this Agreement. Any amendment to this Agreement requires the approval of both Parties. Both Parties reserve the right to terminate this Agreement for convenience by giving the other Party a minimum of thirty (30) business days written notification prior to April 15 of the corresponding school year. All funds paid by CMB shall be non-refundable should the City terminate this Agreement.

2.03 Reserved

2.04 Enrollment Procedures

Shall be governed by the provisions of Section 1.03 of this Agreement.

ARTICLE 3 – GENERAL CONDITIONS

3.01 Indemnification

Each Party agrees to be fully responsible for its acts of negligence or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations. Notwithstanding the foregoing, M-DCPS's and CMB's indemnification herein is subject to applicable laws, including, but not limited to, Section 768.28, Florida Statutes, and the limitations, restrictions, and defenses therein. Nothing contained herein shall constitute a waiver of sovereign immunity by any of the Parties to this Agreement.

3.02 No Waiver of Sovereign Immunity

Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.03 No Third Party Beneficiaries

The Parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the Parties intend to directly or substantially benefit a third Party by this Agreement. The Parties agree that there are no third Party beneficiaries to this Agreement and that no third Party shall be entitled to assert a claim against any of the Parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third Parties in any matter arising out of any contract.

3.04 Independent Contractor

The Parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither Party nor its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other Party unless specifically authorized in writing to do so. No right to Party's retirement, leave benefits or any other benefits of employees shall exist for the employees of the other Party as a result of the performance of any duties or responsibilities under this Agreement. Neither Party shall be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other Party or the other Party's officers, employees, agents, subcontractors or assignees.

3.05 Equal Opportunity Provision

The Parties agree that no person shall be subjected to discrimination because of age, race, color, disability, gender identity, gender expression marital status, national origin, religion, sex or sexual orientation in the performance of the Parties' respective duties, responsibilities and obligations under this Agreement.

3.06 Notice

When any of the Parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, return receipt requested, or by Federal Express, addressed to the Party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To M-DCPS:	Alberto M. Carvalho Superintendent of Schools Miami-Dade County Public Schools 1450 N.E. 2nd Avenue, Suite 912 Miami, Florida, 33132
With a copy to:	Ms. Marie Izquierdo Chief Academic Officer Office of Academics and Transformation Miami-Dade County Public Schools 1450 N.E. 2nd Avenue, Suite 921 Miami, Florida, 33132
And a copy to:	Walter Harvey School Board Attorney Miami-Dade County Public Schools 1450 N.E. 2nd Avenue, Suite 430 Miami, Florida, 33132
To CMB:	Jimmy Morales City Manager City of Miami Beach 1700 Convention Center Drive, 4 th Floor Miami Beach, Florida 33139
With copies to:	Raul J. Aguila City Attorney

City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139

Dr. Leslie Rosenfeld
Chief Learning Development Officer
City of Miami Beach
1700 Convention Center Drive, 3rd Floor
Miami Beach, Florida 33139

3.07 Default

The Parties agree that, in the event that either Party is in default of its obligations under this Agreement, the non-defaulting Party shall provide to the defaulting Party (30) business days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) day period and the defaulting Party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting Party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting Party upon thirty (30) business days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any Party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof.

3.08 Annual Appropriation

The performance and obligations of either Party under this Agreement shall be contingent upon the required budgetary appropriation by its governing body. If either Party does not allocate funds for the payment of services or programs to be provided under this Agreement, this Agreement may be terminated by that Party at the end of the period for which funds have been allocated. That Party shall notify the other Party at the earliest possible time before such termination but not less than 90 business days prior to the termination. No penalty shall accrue to either Party in the event this provision is exercised, and neither Party shall be obligated or liable for any future payments due or any damages as a result of termination under this section.

3.09 Excess Funds

M-DCPS agrees to promptly notify CMB of any funds erroneously received from CMB upon the discovery of an erroneous payment or overpayment. Any excess funds shall be refunded to CMB.

3.10 Public Records

Pursuant to Section 119.0701, Florida Statutes, any Party contracting with M-DCPS or CMB is required to (a) keep and maintain available for public inspection any records that pertain to services rendered under this Agreement; (b) provide the public such records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law; (c) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (d) meet all requirements for retaining public records and transfer, at no cost, to M-DCPS or CMB and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All of such Party's records stored electronically must be provided to M-DCPS or CMB in a format that is compatible with M-DCPS' or CMB's information technology systems. Each Party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each Party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law. Each Party acknowledges that this Agreement and all attachments thereto are public records and do not constitute trade secrets.

3.11 Student Records

M-DCPS shall fully comply with the requirements of Section 1002.33, Florida Statutes, or any other state or federal law or regulation regarding the confidentiality of student information and records.

3.12 Compliance with Laws

Each Party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

3.13 Governing Law and Venue

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of a State court in Miami-Dade County, Florida.

3.14 Entirety of Agreement

This document incorporates and includes all prior negotiators, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.15 Binding Effect

This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

3.16 Assignment

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any Party without the prior written consent of the other Party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from CMB.

3.17 Captions

The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.18 Severability

In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.19 Preparation of Agreement

The Parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

3.20 Amendments

No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each Party hereto. The City Manager of the City of Miami Beach, Florida, shall be authorized to execute any amendment or extension of this Agreement on behalf of CMB. Alberto M. Carvalho, Superintendent of M-DCPS shall be authorized to execute any

amendment or extension of this Agreement on behalf of M-DCPS.

3.21 Waiver

The Parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any Party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the Party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.22 Force Majeure

Neither Party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either Party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either Party be deemed Force Majeure.

3.23 Survival

All representations and warranties made herein, regarding indemnification obligations, obligations to reimburse CMB, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.24 Authority

Each person signing this Agreement on behalf of either Party individually warrants that he or she has full legal power to execute this Agreement on behalf of the Party for whom he or she is signing, and to bind and obligate such Party with respect to all provisions contained in this Agreement.

The Parties hereto have made and executed this Agreement on the date last signed below.

THE SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA:

By: _____
Alberto M. Carvalho
Superintendent of Schools or his Designee

Date: _____

ATTEST:

By: _____
Maria Izquierdo, Chief Academic Officer
Office of Academics and Transformation

Date: _____

Approved as to Form and Legal Sufficiency:

School Board Attorney
Date: _____

THE CITY OF MIAMI BEACH:

By: _____
Jimmy L. Morales, City Manager

Date: _____

ATTEST:

By: _____
Rafael E. Granado, City Clerk

Date: _____

Approved as to Form & Language &
For Execution:

Raul Aguila
Raul J. Aguila, City Attorney JAS
Date: 1/29/16

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To A Joint Participation Agreement (JPA) With Miami-Dade County To Include the Harmonization Of Dade Boulevard To The West Avenue Bridge Project. With This Amendment, The Total Contribution By The County Of This JPA Will Be \$5,211,000, Of Which \$3,011,000 Will Be Used For The West Avenue Bridge Project And \$2,200,000 For The Dade Boulevard Harmonization Project.

Key Intended Outcome Supported:

Build and maintain priority infrastructure with full accountability

Item Summary/Recommendation:

A Joint Participation Agreement (JPA) for the West Avenue Bridge Project was executed on September 19, 2011 between the City of Miami Beach and Miami-Dade County. The entirety of the bridge project had an estimated total cost of \$5,491,521 for property acquisition and construction. Dade Boulevard is a County owned roadway. Of this amount, the Miami-Dade County has previously agreed to fund \$3,011,000. The scope of the project includes harmonizing a portion of Dade Boulevard (Bay Road to Alton Road) with the new West Avenue Bridge

The City Commission approved amendment four to the existing contract for Sunset Harbour to raise the remaining roads within that neighborhood on December 9, 2015. The result of these two projects will leave a portion of Dade Boulevard (Bay Road to Venetian Bridge) low and subject to tidal flooding.

The City reached out to Miami-Dade County to amend the original JPA to add this portion of Dade Boulevard to the original West Avenue Bridge project. On December 30, 2015, Miami-Dade County agreed to propose additional funds (estimated at \$2,200,000) for the harmonization of the remaining portion of Dade Boulevard. The JPA from the County was received on January 29, 2016 and is attached.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1	2,200,000	Capital Reserve Fund 304	
	2			
OBPI	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking: CAPITAL Reserve - to be reimbursed by MDC contingent upon the JPA being executed
Eric Carpenter, Public Works X6012

Sign-Offs: Pending the third Capital Budget Amendment,

Department Director	Assistant City Manager	City Manager
JJF	ETC <i>EC</i>	JLM <i>JLM</i>

T:\AGENDA\2016\February\Public Works\Add1 to JPA with Dade County Summary.doc



COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO A JOINT PARTICIPATION AGREEMENT (JPA) WITH MIAMI-DADE COUNTY TO INCLUDE THE HARMONIZATION OF DADE BOULEVARD TO THE WEST AVENUE BRIDGE PROJECT. WITH THIS ADDENDUM, THE TOTAL CONTRIBUTION BY THE COUNTY OF THIS JPA WILL BE IN THE AMOUNT OF \$5,211,000, OF WHICH \$3,011,000 WILL BE USED FOR THE WEST AVENUE BRIDGE PROJECT AND \$2,200,000 FOR DADE BOULEVARD HARMONIZATION PROJECT.**

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Resolution.

BACKGROUND

A Joint Participation Agreement (JPA) for the West Avenue Bridge Project was executed on September 19, 2011 between the City of Miami Beach and Miami-Dade County. The entirety of the bridge project had an estimated total cost of \$5,491,521 for property acquisition and construction. Dade Boulevard is a County owned roadway. Of this amount, the Miami-Dade County has previously agreed to fund \$3,011,000. The scope of the project includes harmonizing a portion of Dade Boulevard (Bay Road to Alton Road) with the new West Avenue Bridge

The City Commission approved amendment four to the existing contract for Sunset Harbour to raise the remaining roads within that neighborhood on December 9, 2015. The result of these two projects will leave a portion of Dade Boulevard (Bay Road to Venetian Bridge) low and subject to tidal flooding.

The City reached out to Miami-Dade County to amend the original JPA to add this portion of Dade Boulevard to the original West Avenue Bridge project. On December 30, 2015, Miami-Dade County agreed to propose additional funds (estimated at \$2,200,000) for the harmonization of the remaining portion of Dade Boulevard. The JPA from the County was received on January 29, 2016 and is attached.

CONCLUSION

This amendment to the JPA along with the original West Avenue Bridge Project and the work in Sunset Harbor will complete the harmonization of the north end of the West Avenue neighborhood with the Sunset Harbor neighborhood.

Attachments:

A. Amendment No. 1 to JPA

JLM/ETC/JJF/BAM/WRB/LJS

T:\AGENDA\2016\February\Public Works\Add1 to JPA with County for West Ave Bridge - MEMO.docx



miamidade.gov

Public Works and Waste Management

2525 NW 62nd Street • Suite 5100
Miami, Florida 33147
T 305-514-6666

111 NW 1st Street • Suite 1610
Miami, Florida 33128
T 305-375-2960

December 30, 2015

Wm. Roger Buell, PWLF
Assistant City Engineer
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: West Avenue Bridge Joint Participation Agreement Amendment
Dade Boulevard (Purdy Avenue to Alton Road) - Harmonization

Dear Mr. Buell:

Your recent letter to Mr. Frank Guyamier, P.E., Deputy Director/County Engineer, concerning the referenced subject has been forwarded to my office for review and response.

In accordance to your request, Public Works and Waste Management (PWWM) will proceed to reallocate FY 2016/17 Road Impact Fee District 8 funds to the design and construction of the Dade Boulevard improvements. PWWM staff is currently reviewing the cost estimate and will begin to draft a Joint Participation Agreement (JPA) amendment to reimburse the City accordingly. Please be advised that the JPA amendment is subject to approval of the Board of County Commissioners.

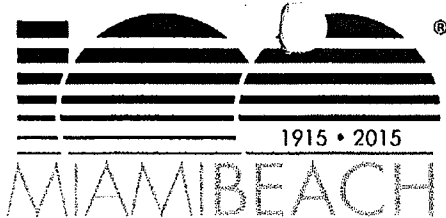
Should you require additional information, please do not hesitate to contact Mr. Leandro Oña P.E., Chief, Roadway Engineering and Right-of-Way Division, at (305) 375-1909.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gaspar Miranda', written over a horizontal line.

Gaspar Miranda, P.E.
Assistant Director, Highway Engineering

c: Alina T. Hudak, Deputy Mayor/Director, PWWM
Alice Bravo, P.E., Director, Miami-Dade Transit
Frank Guyamier, P.E., Deputy Director/County Engineer, Miami-Dade Transit
Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division, PWWM
Judy Hoanshelt, Grants Officer, City of Miami Beach



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
PUBLIC WORKS DEPARTMENT Tel: 305-673-7080

14 December 2015

Miami-Dade County
Public Works and Waste Management Department
111 NW 1st Street
Miami, Florida 33128-1970

Attn: Frank Guyamier, P.E. - Deputy Director / County Engineer

RE: West Avenue Bridge Joint Participation Amendment
Dade Boulevard (Purdy Avenue to Alton Road) – Harmonization

Dear Mr. Guyamier,

Pursuant to our field meeting at the above referenced location on 29 October 2015, the City of Miami Beach is requesting to amend the current JPA (Joint Participation Agreement) for the "West Avenue Bridge Project" to incorporate the harmonization of Dade Boulevard.

The City is raising the City roads in the Sunset Harbour neighborhood due to repetitive flooding. In order to harmonize this neighborhood with the existing Dade Boulevard, we would anticipate raising the road to match their new elevations.

The scope of the project would be the entire roadway width from a point ~200 feet west of the center line of West Avenue to the Venetian Bridge (approximately 680 l.f.) with an estimated cost of \$2,000,000. The remaining portion of Dade Boulevard from this point to Alton Road is covered under the original JPA. Attached please find a breakdown of the costs.

Please advise this office if any additional information is needed to process this request. Thank you for your time and consideration on this matter.

Sincerely,

Wm. Roger Buell, PWLF
Assistant City Engineer

CC:
Eric T. Carpenter, P.E. - ACM/Director of Public Works
Bruce Mowry, P.E., PhD - City Engineer

RECEIVED
DEC 22 2015

**ASSISTANT DIRECTOR
HIGHWAY ENGINEERING**

WEST AVENUE BRIDGE - BAY ROAD TO PURDY AVENUE

Estimate of probable cost

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
Design	LS	1	\$ 175,000	\$ 175,000
Quaity Control and Testing	LS	1	\$ 40,200	\$ 40,200
Street Lighting	LS	1	\$ 90,000	\$ 90,000
Road work	LS	1	\$ 300,000	\$ 300,000
Intersection Signalization	Ea	2	\$ 250,000	\$ 500,000
Sea Wall	I.f.	500	\$ 1,426	\$ 713,000

TOTAL = \$ 1,818,200

10% contingency \$ 181,820

TOTAL = \$ 2,000,020

RESOLUTION TO BE SUBMITTED

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF NEW BUS SHELTERS; AND AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT BETWEEN THE CITY AND CLEAR CHANNEL ON A MONTH-TO-MONTH BASIS AFTER EXPIRATION ON OCTOBER 31, 2016, AS NEEDED, SUCH THAT THE CLEAR CHANNEL CONTRACT WOULD REMAIN IN PLACE UNTIL THE NEW CONTRACT IS EXECUTED.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

In October 2001, an agreement between the City and Clear Channel Adshel, Inc. (herein after referred to as Clear Channel) was executed for Clear Channel to construct, operate and maintain bus shelter structures and other street furniture (bus benches, trash cans and bicycle racks) on the public Right-of-Way throughout the City. The Agreement had an initial term of ten (10) years with an option to renew for an additional five (5) year term. The Agreement provides for commercial advertising on the bus shelter and revenue sharing with the City receiving an annual escalating percentage (currently at 30%). The Agreement stipulates installation of a minimum of 107 bus shelters at locations mutually agreed to by the City and Clear Channel. On September 28, 2011, the City executed Amendment No. 1 to the Agreement between the City and Clear Channel which exercised the five-year renewal term provided for in the Agreement and additionally provided for a subsequent five-year term renewal option beyond October 31, 2016 at the City's discretion. On December 9, 2015, the City Commission discussed the potential renewal of the bus shelter Agreement. A motion was made to refer the item to the Finance and Citywide Projects Committee (FCWPC) for discussion. However, during the discussion, the City Commission recommended issuing a competitive solicitation for a bus shelter program that would incorporate features enhancing the transit experience of passengers, including innovative designs, technology, and other amenities.

On January 22, 2016, the FCWPC discussed renewal of the agreement between the City of Miami Beach and Clear Channel, Inc. to construct, operate, and maintain bus shelter structures and other street furniture. The Committee recommended issuing a Request for Proposals (RFP) for a new bus shelter design. Subsequent to bus shelter design approval by the City, the Committee recommended issuing an RFP to construct, operate and maintain bus shelter structures and other street furniture throughout the City. As part of the recommendation, the Committee recommended that a consultant with expertise in designing bus shelters be included on the design team. Further, the Committee recommended that staff include the requirement that the vendor reimburse Clear Channel for the remaining life of existing shelters, so that the shelters would not need to be removed as would otherwise be provided for in the Clear Channel contract. Section 14 of the existing contract states that at the end of the term of the agreement, or otherwise upon termination of the agreement, Clear Channel is required to remove any and all bus shelters and street furniture erected and installed pursuant to the agreement at its sole cost and expense and at no cost to the City. At this time, Clear Channel has installed and maintains 107 bus shelters and 180 bus benches in the City. In order for these elements to remain in place after the expiration of the agreement with Clear Channel, the City and Clear Channel would have to negotiate an amendment to the existing agreement providing for the City's retention of the existing shelters and benches (as well as other street furniture that is covered under the Agreement). Finally, the FCWPC recommended that the Administration extend the existing contract with Clear Channel on a month-to-month until the new project is in place. As part of the RFP, staff will be developing requirements for bus shelter amenities, such as: air conditioning; Wi-Fi, pay station; phone chargers; interactive kiosk; security cameras; lighting; security system with panic button; solar powered or alternate power option; and digital real time bus arrival signs, for inclusion in the RFP for a new bus shelter design. The Administration will bring a draft RFP to City Commission for approval prior to issuance. Additionally, staff will work with Clear Channel to extend the contract on a month-to-month. The Clear Channel contract would remain in place until the new contract is executed.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation: The Finance and Citywide Projects Committee moved this item to the Commission with a recommendation of going out for Request for Proposal (RFP) for the design of new bus shelters.

Financial Information:

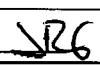

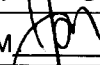
Source of Funds:	Amount	Account
OBPI	Total	

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG 	KGB 	JLM 

T:\AGENDA\2016\February\Transportation\Resolution accepting the recommendation of the Finance and City Wide Projects Committee to issue a request for proposal for the design of bus shelters SUM.doc



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF NEW BUS SHELTERS; AND AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT BETWEEN THE CITY AND CLEAR CHANNEL ON A MONTH-TO-MONTH BASIS AFTER EXPIRATION ON OCTOBER 31, 2016, AS NEEDED, SUCH THAT THE CLEAR CHANNEL CONTRACT WOULD REMAIN IN PLACE UNTIL THE NEW CONTRACT IS EXECUTED.**

BACKGROUND

In October 2001, an Agreement between the City and Clear Channel Adshel, Inc. (herein after referred to as Clear Channel) was executed for Clear Channel to construct, operate and maintain bus shelter structures and other street furniture (bus benches, trash cans and bicycle racks) on the public Right-of-Way (ROW) throughout the City. The Agreement had an initial term of ten (10) years with an option to renew for an additional five (5) year term. The Agreement provides for commercial advertising on the bus shelter and revenue sharing with the City receiving an annual escalating percentage (currently at 30%). The Agreement stipulates installation of a minimum of 107 bus shelters at locations mutually agreed to by the City and Clear Channel.

On September 28, 2011, the City executed Amendment No. 1 to the Agreement between the City and Clear Channel which exercised the five-year renewal term provided for in the Agreement and additionally provided for a subsequent five-year term renewal option beyond October 31, 2016 at the City's discretion. Additionally, the Amendment required that Clear Channel submit a proposal detailing plans to develop and/or convert at least ten (10) bus shelters to LCD (interactive digital advertisement) technology.

On November 6, 2012, Clear Channel submitted an application to the Design Review Board (DRB) for approval of the proposed plans titled "City of Miami Beach Digital Bus Shelter and Free Standing Display Presentation", which presented modifications to the design of the bus shelters to accommodate digital advertisement. DRB provided feedback and continued the application, in order to allow the Historic Preservation Board (HPB) to also review the application and provide comments.

On November 20, 2012, the HPB denied the application, and further passed a resolution strongly opposing any form of digital advertising on bus shelters located within historic neighborhoods.

On February 5, 2013, the DRB denied Clear Channel's application based on the resolution from the HPB and additional inconsistencies of the proposal with the board's design criteria.

On December 9, 2015, the City Commission discussed the potential renewal of the bus shelter Agreement. A motion was made to refer the item to the Finance and Citywide Project Committee (FCWPC) for discussion. However, during the discussion, the City Commission recommended issuing a competitive solicitation for a bus shelter program that would incorporate features enhancing the transit experience of passengers, including innovative designs, technology, and other amenities.

On January 22, 2016, the FCWPC discussed renewal of the agreement between the City of Miami Beach and Clear Channel, Inc. to construct, operate, and maintain bus shelter structures and other street furniture. The Committee recommended issuing a Request for Proposals (RFP) for a new bus shelter design. Subsequent to bus shelter design approval by the City, the Committee recommended issuing an RFP to construct, operate and maintain bus shelter structures and other street furniture throughout the City. As part of the recommendation, the Committee recommended that a consultant with expertise in designing bus shelters be included on the design team. Further, the Committee recommended that staff include the requirement that the vendor reimburse Clear Channel for the remaining life of existing shelters, so that the shelters would not need to be removed as would otherwise be provided for in the Clear Channel contract. Section 14 of the existing contract states that at the end of the term of the agreement, or otherwise upon termination of the agreement, Clear Channel is required to remove any and all bus shelters and street furniture erected and installed pursuant to the agreement at its sole cost and expense and at no cost to the City. At this time, Clear Channel has installed and maintains 107 bus shelters and 180 bus benches in the City. In order for these elements to remain in place after the expiration of the agreement with Clear Channel, the City and Clear Channel would have to negotiate an amendment to the existing agreement providing for the City's retention or the existing shelters and benches (as well as other street furniture that is covered under the Agreement).


Finally, the FCWPC recommended that the Administration extend the existing contract with Clear Channel on a month-to-month until the new project is in place.

ANALYSIS

As part of the RFP, staff will be developing requirements for bus shelter amenities, such as: air conditioning; Wi-Fi, pay station; phone chargers; interactive kiosk; security cameras; lighting; security system with panic button; solar powered or alternate power option; and digital real time bus arrival signs, for inclusion in the RFP for a new bus shelter design. The Administration will bring a draft RFP to City Commission for approval prior to issuance. Additionally, staff will work with Clear Channel to extend the contract on a month-to-month. The Clear Channel contract would remain in place until the new contract is executed.

RECOMMENDATION

The Administration recommends approving this Resolution.


JLM/KGB/JRG/MM

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF NEW BUS SHELTERS; AND AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT BETWEEN THE CITY AND CLEAR CHANNEL ADSHEL, INC., ON A MONTH-TO-MONTH BASIS, AFTER ITS EXPIRATION ON OCTOBER 31, 2016, AS NEEDED, SO THAT THE CLEAR CHANNEL CONTRACT WOULD REMAIN IN PLACE UNTIL A NEW CONTRACT IS EXECUTED.

WHEREAS, in October 2001, an Agreement between the City of Miami Beach and Clear Channel Adshel, Inc. (herein after referred to as Clear Channel) was executed for Clear Channel to construct, operate and maintain bus shelter structures and other street furniture (bus benches, trash cans and bicycle racks) on the public Right-of-Way throughout the City (the Agreement); and

WHEREAS, the Agreement had an initial term of ten (10) years, with an option to renew for an additional five (5) year term; and

WHEREAS, the Agreement provides for commercial advertising on the bus shelters and revenue sharing with the City receiving an annual escalating percentage; and

WHEREAS, the Agreement stipulates installation of a minimum of 107 bus shelters at locations mutually agreed to by the City and Clear Channel; and

WHEREAS, on September 28, 2011, the City executed Amendment No. 1 to the Agreement, which exercised the five-year renewal term provided for in the Agreement and, additionally, provided for a subsequent five-year renewal option, beyond expiration of the first renewal term on October 31, 2016, at the City's discretion; and

WHEREAS, on December 9, 2015, the City Commission discussed the potential renewal of the Agreement, and referred the item to the Finance and Citywide Projects Committee (FCWPC); and

WHEREAS, on January 22, 2016, the FCWPC discussed the item and recommended proceeding with the issuance of a Request for Proposals (RFP) for a new bus shelter design; and

WHEREAS, subsequent to a new bus shelter design being approved by the City, the Committee recommended issuing a subsequent RFP to construct, operate, and maintain a bus shelter program throughout the City; and

WHEREAS, the FCWPC recommended that the Administration extend the existing contract with Clear Channel on a month-to-month until the new project is in place; and

WHEREAS, staff was directed to develop design specifications and criteria for bus shelters and optional bus shelter amenities, such as: air conditioning; Wi-Fi; pay station; phone chargers; interactive kiosk; security cameras; lighting; security system with panic button; solar powered or alternate power option; and digital real time bus arrival signs, for inclusion in the RFP for bus shelter design; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission accept the recommendation of the Finance and Citywide Projects Committee to issue a Request For Proposal for the design of new bus shelters; and authorizing the City Manager to extend the existing Agreement between the City and Clear Channel, Adshel, Inc., on a month-to-month basis, after its expiration on October 31, 2016, as needed, so that the Clear Channel contract would remain in place until a new contract is executed.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2016.

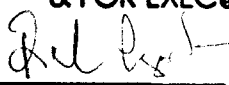
ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-2-16

Date

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO CONDUCT A TRAFFIC CALMING STUDY FOR THE NAUTILUS AREA.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

In August 2010, the City of Miami Beach Commission approved the City of Miami Beach Traffic Calming Manual. The manual establishes the guidelines to analyze and implement traffic calming projects. Within the same year, the City and Miami-Dade County entered into an Interlocal Agreement for the implementation of Traffic Calming projects within the City of Miami Beach. The Agreement allows the City to implement its own traffic calming manual instead of the Miami-Dade County Traffic Flow Modification Procedure to address traffic calming requests in the City. Pursuant to the manual, the City is only allowed to commence a traffic calming study upon receiving a request signed by 50% of the affected neighborhood or by City Commission Resolution. Once the traffic calming study is completed, and if found warranted, the proposed traffic calming plan is presented to the neighborhood for input and ballots are mailed to property owners to determine concurrence. The plan needs to be approved by 2/3 of the property owners in the neighborhood. Following neighborhood approval, the traffic calming plan can be implemented.

In June 2015, Transportation Department staff and Miami Beach Police staff met with members of the Nautilus Neighborhood Area Homeowners Association (NAHA) to discuss their concerns with traffic safety in the community. The members of NAHA present at the meeting expressed specific concerns with cut-through traffic, speeding, and non-compliance with existing traffic control devices. At the meeting, City staff provided information on the City's Traffic Calming Manual and the aforementioned process to evaluate traffic calming requests. Subsequently, NAHA passed a resolution requesting that the City Commission approve the commencement of a Neighborhood Traffic Calming Study; however, as previously mentioned no traffic calming study can begin prior to authorization from City Commission.

If the recommendation of the NCAC is approved by City Commission, Transportation Department staff will coordinate with a consultant on a rotational contract immediately to commence the traffic study. Collecting data prior to the end of the school year is critical to ensure that accurate volumes and speeds are reflected in the study. Based on the results of the data collection, site visits, and input from the neighborhood, the consultant will recommend contextual and attractive traffic calming devices for the Nautilus Neighborhood. As part of the Bicycle/Pedestrian Master Plan, the consultant was tasked with developing a Street Design Guide. The Street Design Guide was developed to provide guidance to designers on the appropriate treatments for bicycle facilities, signage, neighborhood design, and traffic calming (Attachment A). As part of the traffic calming study, the consultant will be asked to apply the treatments in the Street Design Guide. Staff anticipates that the traffic study will be completed in approximately 90 days. The scope of the study will include an evaluation of existing two-way stop controlled intersections in the neighborhood.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation: This item was referred to the Neighborhood/Community Affairs Committee (NCAC) by Commissioner Steinberg at the December 9, 2015 City Commission Meeting. At the January 15, 2016 Neighborhood/Community Affairs Committee meeting (NCAC), the NCAC endorsed the City's proposed plan to conduct a neighborhood traffic calming study.




Financial Information:

Source of Funds:	Amount	Account
OBPI	Total	
Financial Impact Summary: N/A		

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG 	KGB 	JLM 

T:\AGENDA\2016\February\Transportation\ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO CONDUCT A TRAFFIC CALMING STUDY FOR THE NAUTILUS AREA.**

This item was referred to the Neighborhood/Community Affairs Committee (NCAC) by Commissioner Micky Steinberg at the December 9, 2015 City Commission Meeting.

BACKGROUND

In August 2010, the City Commission approved the City of Miami Beach Traffic Calming Manual. The manual establishes the guidelines to analyze and implement traffic calming projects. Within the same year, the City and Miami-Dade County entered into an Interlocal Agreement for the implementation of Traffic Calming projects within the City of Miami Beach. The Agreement allows the City to implement its own traffic calming manual instead of the Miami-Dade County Traffic Flow Modification Procedure to address traffic calming requests in the City. Pursuant to the manual, the City is only allowed to commence a traffic calming study upon receiving a request signed by 50% of the affected neighborhood or by City Commission Resolution. Once the traffic calming study is completed, and if found warranted, the proposed traffic calming plan is presented to the neighborhood for input and ballots are mailed to property owners to determine concurrence. The plan needs to be approved by 2/3 of the property owners in the neighborhood. Following neighborhood approval, the traffic calming plan can be implemented.

In June 2015, Transportation Department staff and Miami Beach Police staff met with members of the Nautilus Neighborhood Area Homeowners Association (NAHA) to discuss their concerns with traffic safety in the community. The members of NAHA present at the meeting expressed specific concerns with cut-through traffic, speeding, and compliance with existing traffic control devices. At the meeting, City staff provided information on the City's Traffic Calming Manual and the aforementioned process to evaluate traffic calming requests. Subsequently, NAHA passed a resolution requesting that the City Commission approve the commencement of a Neighborhood Traffic Calming Study; however, as previously mentioned no traffic calming study can begin prior to authorization from City Commission.

At the January 15, 2016 Neighborhood/Community Affairs Committee (NCAC) meeting, the NCAC endorsed the City's proposed plan to conduct a neighborhood traffic calming study.

ANALYSIS

In response to community concerns regarding speeding in the Nautilus neighborhood, the Police Department conducted traffic enforcement in the areas identified in NAHA's resolution. During enforcement details, Police Officers observed and enforced violations of existing traffic control (i.e. stop signs). The Police Department conducted a speed study along 47th Street between Alton Road and Meridian Avenue from October 30 to November 6, 2015. Currently, 47th Street has a posted speed limit of 30 miles per hour. During the speed study, a volume of over 12,803 vehicles were recorded and the following results were obtained:

- Average speed measured was 28 mph.
- The 85th percentile speed was measured at only 33 mph.

It is worth noting that typically Police does not conduct speed enforcement details if the 85th percentile speed is equal or less than 5 miles per hour over the posted speed limit.


According to the US Department of Transportation, the maximum volume on urban local roadways should not exceed 700 vehicles per day. While the speed study concluded that a significant speeding problem does not exist on 47th Street, the analysis identified excessive volumes on this local roadway (approximately 1829 vehicles per day) and on other streets in the neighborhood. The high vehicular volumes could be attributed to cut-through traffic trying to reach destinations such as Nautilus Middle School, 41st Street, and the Julia Tuttle Causeway in an effort to avoid traffic congestion on main thoroughfares. The Police Department is currently conducting sporadic speed and traffic enforcement in the Nautilus Neighborhood and will continue to partner with the neighborhood to help enhance traffic safety and compliance.

If the recommendation of the NCAC is approved by City Commission, Transportation Department staff will coordinate with a consultant on a rotational contract immediately to commence the traffic study. Collecting data prior to the end of the school year is critical to ensure that accurate volumes and speeds are reflected in the study. Based on the results of the data collection, site visits, and input from the neighborhood, the consultant will recommend contextual and attractive traffic calming devices for the Nautilus Neighborhood. As part of the Bicycle/Pedestrian Master Plan, the consultant was tasked with developing a Street Design Guide. The Street Design Guide was developed to provide guidance to designers on the appropriate treatments for bicycle facilities, signage, neighborhood design, and traffic calming (Attachment A). As part of the traffic calming study, the consultant will be asked to apply the treatments in the Street Design Guide. Staff anticipates that the traffic study will be completed in approximately 90 days. The scope of the study will include an evaluation of existing two-way stop controlled intersections in the neighborhood.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC to conduct a traffic calming study for the Nautilus area.

Attachment A: Sample treatments from Street Design Guide


KGB/JRG/JFD

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PIESTMAN/ BICYCLIST: INTERSECTION: ROUNDABOUT

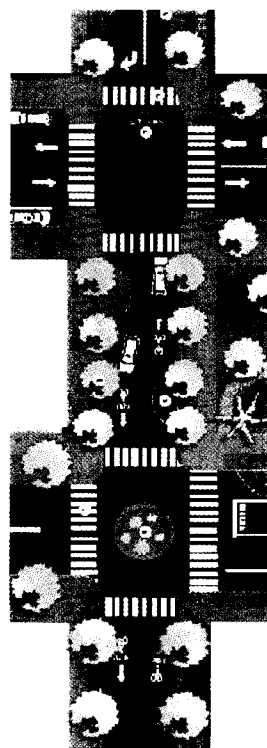


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CONTENTS

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2000

1. *Chrysomelidae* - Beetles
2. *Blattellidae* - Cockroaches
3. *Coleoptera* - Beetles
4. *Arachnida* - Spiders
5. *Isopoda* - Pillbugs
6. *Malacostraca* - Crustaceans

PEDESTRIAN/BICYCLIST/ MOTOR VEHICLE: INTERSECTION: MATRIX


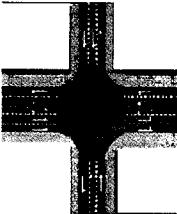


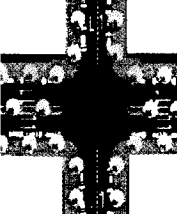




ARTERIAL	COLLECTOR	LOCAL
		
<ul style="list-style-type: none"> • Replace conventional suburban intersections with urban intersections. • Reduce lane widths. • Introduce express lanes. • Introduce medians. • Introduce parallel parking. • Introduce turn-lanes. • Assemble public facilities according to street type. • Introduce appropriate bikeway / pedestrian accommodations. 	<ul style="list-style-type: none"> • Reduce number of lanes. • Reduce curb radii. • Introduce medians. • Introduce parallel parking. • Assemble public facilities according to street type. • Introduce appropriate bikeway / pedestrian accommodations. 	<ul style="list-style-type: none"> • Reduce curb radii. • Reduce lane widths. • Introduce parallel parking. • Assemble public facilities according to street type. • Introduce appropriate bikeway / pedestrian accommodations.
		
<p>RESIDENTIAL / AVENUE</p>	<p>COMMERCIAL STREET / AVENUE</p>	<p>ROAD / STREET</p>
		
<p>RESIDENTIAL / AVENUE</p>	<p>COMMERCIAL STREET / AVENUE</p>	<p>ROAD / STREET</p>

Fig. 3-12 From water meter = 1000 gal/min until

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO CONDUCT A TRAFFIC CALMING STUDY FOR THE NAUTILUS AREA.

WHEREAS, in August 2010, the Miami Beach City Commission approved the City of Miami Beach Traffic Calming Manual ("Manual"); and

WHEREAS, the Manual establishes the guidelines to analyze and implement traffic calming projects; and

WHEREAS, the City of Miami Beach ("City") and Miami-Dade County entered into an Interlocal Agreement for the implementation of Traffic Calming projects within the City; and

WHEREAS, in June 2015, the City's Transportation Department staff and Police Department staff met with members of the Nautilus Neighborhood Area Homeowners Association (NAHA) to discuss their concerns with traffic safety in the community; and

WHEREAS, at the June 2015 meeting, members of NAHA expressed specific concerns with cut-through traffic, speeding, and non-compliance with existing traffic control devices; and

WHEREAS, NAHA passed a resolution requesting that the City Commission approve the commencement of a Neighborhood Traffic Calming Study; and

WHEREAS, the City of Miami Beach Police collected data in the Nautilus neighborhood and documented high volumes and speeds consistently above the speed limits; and

WHEREAS, the high vehicular volumes may be attributed to cut-through traffic trying to reach destinations such as Nautilus Middle School, 41st Street, and the Julia Tuttle Causeway in an effort to avoid traffic congestion on main thoroughfares; and

WHEREAS, at the January 15, 2016 Neighborhood/Community Affairs Committee (NCAC) meeting, the NCAC endorsed the City Administration's proposed plan to conduct a neighborhood traffic calming study in the Nautilus area.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the NCAC to conduct a traffic calming study in the Nautilus area.

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2-2-16

Date

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 10, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2015-29247 WITH RESPECT TO THE CITY COMMISSION'S VOLUNTARY IMPOSITION OF THE CITY'S CONE OF SILENCE ORDINANCE TO THE SOLICITATION OF ALTERNATIVE PROPOSALS FOR A PUBLIC-PRIVATE PARTNERSHIP, IN ACCORDANCE WITH FLORIDA STATUTE 287.05712, FOR AN OFF-WIRE OR "WIRELESS" LIGHT RAIL/MODERN STREETCAR SYSTEM ("PROJECT"); SAID AMENDMENT FOR THE LIMITED PURPOSE OF PERMITTING THE CITY'S PROJECT CONSULTANTS AND CITY STAFF DESIGNATED BY THE CITY MANAGER, TO SCHEDULE ONE-ON-ONE MEETINGS WITH PROSPECTIVE PROPOSERS FOR FACT-FINDING PURPOSES, AS PART OF AN INDUSTRY REVIEW PROCESS; AND OTHERWISE CONTINUING TO EXTEND THE REQUIREMENTS OF THE CITY'S CONE OF SILENCE ORDINANCE, AS SET FORTH IN SECTION 2-486 OF THE CITY CODE, TO THE SOLICITATION FOR THE PROJECT.**

BACKGROUND

On December 16, 2015, the Mayor and Commission adopted Resolution No. 2015-29247, accepting receipt of an unsolicited proposal from Greater Miami Tramlink Partners for a Light Rail/Modern Streetcar Project in Miami Beach, and authorizing the Administration to solicit alternative proposals for a public/private partnership ("P3"), in accordance with Florida Statute 287.05712, for an off-wire or "wireless" light rail/modern streetcar system from 5th Street, via Washington Avenue to the Miami Beach Convention Center (the "Project"). Resolution No. 2015-29247 established certain procedural parameters with respect to the solicitation of proposals, including an application fee, proposal deadlines, and the like.

Although the City's Cone of Silence ordinance, as set forth in Section 2-486 of the City Code, does not expressly apply to unsolicited proposals pursuant to Florida Statute Section 287.05712, the City Commission elected, in Resolution No. 2015-29247, to extend the City's Cone of Silence to the unsolicited proposal process for the Project. The public notice for the Project was initially advertised on January 12, 2016, and a mandatory pre-proposal conference is currently scheduled for February 19, 2016.

The City's consultant for the Project, Kimley Horn & Associates, Inc., has advised the Administration that, in view of the complexities involving a design-build-operate-maintain-finance P3 delivery method, and the recognition that P3 proposers are less likely to share information with public agencies due to concerns with public disclosure of proprietary, confidential information, public agencies in Florida, including the Florida Department of Transportation, routinely provide P3 proposers with the opportunity to schedule One-on-One meetings with the agency's

representatives, to permit staff to engage in fact-finding and obtain a better understanding from the industry of relevant Project-related issues.

ONE-ON-ONE MEETINGS WITH PROSPECTIVE PROPOSERS FOR FACT-FINDING PURPOSES

Kimley-Horn & Associates, Inc. has advised that it is standard practice during the procurement stage for P3 projects in the United States and internationally to provide the opportunity for the proposers to participate in what are termed in the P3 industry as “One-on-One” sessions. This exists in guidance on best practices for P3s in manuals and guidance for states like Colorado, Florida, Texas and Virginia that have successfully implemented P3 Projects. The One-on-One sessions are structured meetings where the proposer is allowed to provide input to the project sponsor (City of Miami Beach) and to ask clarifying questions pertaining to the Project, Project documents and P3 approach for the Project. For the City these would be primarily “information gathering” sessions that allows the City to obtain input from the proposers to help the City refine the Project and to develop materials for later in the procurement process such as Instructions to Proposers, Project Agreement, Project Performance Specifications, Project Schedule, LRT/Modern Streetcar Operating Plan, and the Project Funding Plan. The sessions are intended to help facilitate a fair and competitive environment for the procurement, to permit consideration of the best available information from the industry, in an effort to ensure the successful implementation for the LRT/Modern Streetcar P3 Project.

The proposal is for the City to follow the approach for One-on-One meetings that has been utilized successfully by the Florida Department of Transportation on P3 projects such as the I-4 Ultimate, I-595 Express and Port of Miami Tunnel Project. The proposer will execute a consent form that addresses the following requirements for the One-on-One meeting:

- The purpose of the meeting is for fact finding, to permit the City to obtain a better understanding of relevant Project-related issues.
- No members of the City’s evaluation/decision-making team will participate in the One-on-One meetings.
- The City and its team participants in the meeting will have no decision-making authority to modify Project documents or the procurement process. City decisions, or formal responses to questions asked by proposers, will not be communicated at the One-on-One meetings, as all formal responses will be provided through addenda to the Project solicitation documents, available to all proposers.
- Proposers may not rely on any statements made by the City or its representatives at the meeting or construe any statements as modifying the Project solicitation documents or the procurement process. The City will formally communicate such changes to proposers through addenda to the Project solicitation documents.
- No aspect of the meeting is intended to provide any one proposer with access to information that is not also available to all proposers. No part of the meeting will be used in any way for the evaluation of proposals submitted on the Project.
- The proposers, the City and its consultants will maintain confidentiality related to discussions in the meeting to the fullest extent allowed under the law.
- If proposers desire a One-on-One session, proposers must waive any protest rights related to the City conducting the One-on-One meetings with proposers.

The City and its team representatives that attend the One-on-One meetings will prepare a summary of the One-on-One meetings without identifying any specific proposers and update the

Assistant City Manager and other appropriate staff as necessary . The Assistant City Manager in consultation with the City Manager, City Attorney and Director of Procurement, will consider any information gathered during the One-on-One sessions and shall determine whether or to what extent to update the Project documents, as may be necessary in the best interest of the City.

RECOMMENDATION

The Administration recommends a limited modification to the Commission's voluntary imposition of the Cone of Silence to the Project, to permit the City's consultants and City staff designated by the City Manager, to schedule voluntary One-on-One meetings with prospective proposers, provided that (i) the participants in any such One-on-One meetings may not serve on the Evaluation Committee for the Project, or otherwise have decision-making authority with respect to the solicitation process for the Project; (ii) no statements made at any such One-on-One meetings may change or modify the City's Proposal Requirements Document for the Project or otherwise change the solicitation process; and (iii) prospective proposers that desire any such One-on-One meetings sign a waiver of protest rights with respect to the meetings with prospective proposer teams.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Resolution, amending Resolution No. 2015-29247 with respect to the City Commission's voluntary imposition of the City's Cone Of Silence Ordinance to the solicitation of alternative proposals for a public-private partnership, in accordance with Florida Statute 287.05712, for an off-wire or "wireless" light rail/modern streetcar system ("Project"); said amendment for the limited purpose of permitting the City's Project consultants and City staff designated by the City Manager, to schedule one-on-one meetings with prospective proposers for fact-finding purposes, as part of an industry review process; and otherwise continuing to extend the requirements of the City's Cone of Silence Ordinance, as set forth in Section 2-486 of the City Code, to the solicitation for the Project.



JLM/KGB

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2015-29247 WITH RESPECT TO THE CITY COMMISSION'S VOLUNTARY IMPOSITION OF THE CITY'S CONE OF SILENCE ORDINANCE TO THE SOLICITATION OF ALTERNATIVE PROPOSALS FOR A PUBLIC-PRIVATE PARTNERSHIP, IN ACCORDANCE WITH FLORIDA STATUTE 287.05712, FOR AN OFF-WIRE OR "WIRELESS" LIGHT RAIL/MODERN STREETCAR SYSTEM ("PROJECT"); SAID AMENDMENT FOR THE LIMITED PURPOSE OF PERMITTING THE CITY'S PROJECT CONSULTANTS AND CITY STAFF DESIGNATED BY THE CITY MANAGER, TO SCHEDULE ONE-ON-ONE MEETINGS WITH PROSPECTIVE PROPOSERS FOR FACT-FINDING PURPOSES, AS PART OF AN INDUSTRY REVIEW PROCESS; AND OTHERWISE CONTINUING TO EXTEND THE REQUIREMENTS OF THE CITY'S CONE OF SILENCE ORDINANCE, AS SET FORTH IN SECTION 2-486 OF THE CITY CODE, TO THE SOLICITATION FOR THE PROJECT.

WHEREAS, on December 16, 2015, the Mayor and Commission adopted Resolution No. 2015-29247, accepting receipt of an unsolicited proposal from Greater Miami Tramlinc Partners for a Light Rail/Modern Streetcar Project in Miami Beach, and authorizing the Administration to solicit alternative proposals for a public/private partnership ("P3"), in accordance with Florida Statute 287.05712, for an off-wire or "wireless" light rail/modern streetcar system from 5th Street, via Washington Avenue to the Miami Beach Convention Center (the "Project"); and

WHEREAS, Resolution No. 2015-29247 established certain procedural parameters with respect to the solicitation of proposals, including an application fee, proposal deadlines, and the like; and

WHEREAS, although the City's Cone of Silence ordinance, as set forth in Section 2-486 of the City Code, does not expressly apply to unsolicited proposals pursuant to Florida Statute Section 287.05712, the City Commission elected, in Resolution No. 2015-29247, to extend the City's Cone of Silence to the unsolicited proposal process for the Project; and

WHEREAS, the public notice for the Project was initially advertised on January 12, 2016, and a mandatory pre-proposal conference is currently scheduled for February 19, 2016; and

WHEREAS, the City's consultant for the Project, Kimley Horn & Associates, Inc., has advised the Administration that, in view of the complexities involving a design-build-operate-maintain-finance P3 delivery method, and the recognition that P3 proposers are less likely to share information with public agencies due to concerns with public disclosure of proprietary, confidential information, public agencies in Florida, including the Florida Department of Transportation, routinely provide P3 proposers with the opportunity to schedule one-on-one meetings with the agency's representatives, to permit staff to engage in fact-finding and obtain a better understanding from the industry of relevant Project-related issues; and

WHEREAS, the Administration recommends a limited modification to the Commission's voluntary imposition of the Cone of Silence to the Project, to permit the City's consultants and City staff designated by the City Manager, to schedule voluntary one-on-one meetings with prospective proposers, provided that (i) the participants in any such one-on-one meetings may not serve on the Evaluation Committee for the Project, or otherwise have decision-making authority with respect to the solicitation process for the Project; (ii) no statements made at any such one-on-one meetings may change or modify the City's Proposal Requirements Document for the Project or otherwise change the solicitation process; and (iii) prospective proposers that desire any such one-on-one meetings sign a waiver of protest rights with respect to the meetings with prospective

proposer teams.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, hereby amend Resolution No. 2015-29247 with respect to the City Commission's voluntary imposition of the City's Cone Of Silence Ordinance to the solicitation of alternative proposals for a public-private partnership, in accordance with Florida Statute 287.05712, for an off-wire or "wireless" light rail/modern streetcar system ("Project"); said amendment for the limited purpose of permitting the City's Project consultants and City staff designated by the City Manager, to schedule one-on-one meetings with prospective proposers for fact-finding purposes, as part of an industry review process; and otherwise continuing to extend the requirements of the City's Cone of Silence Ordinance, as set forth in Section 2-486 of the City Code, to the solicitation for the Project.

PASSED AND ADOPTED this ____ day of February, 2016.

ATTEST:

Rafael Granado, City Clerk

Philip Levine, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Rafael Granado 2-2-16
City Attorney RAP Date

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: Members of the City Commission
City Manager Jimmy Morales**

FROM: Raul J. Aguila, City Attorney 

DATE: February 10, 2016

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING SB 872
AND HB 675, OR SIMILAR LEGISLATION THAT WOULD
PREEMPT LOCAL POLICIES RELATED TO IMMIGRATION
DETAINER REQUESTS.**

The attached Resolution is sponsored by Commissioner Kristen Rosen Gonzalez and is submitted for consideration by the Mayor and City Commission at the February 10, 2015 City Commission Meeting.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING SB 872
AND HB 675, OR SIMILAR LEGISLATION THAT WOULD
PREEMPT LOCAL POLICIES RELATED TO IMMIGRATION
DETAINER REQUESTS.**

WHEREAS, the United States Department of Homeland Security, Immigration and Customs Enforcement ("Immigration and Customs Enforcement") issues immigration detention requests, known as detainers, to local criminal justice agencies, including the Miami-Dade Corrections and Rehabilitation Department (the "Department"); and

WHEREAS, Immigration and Customs Enforcement issues detainers to the Department requesting that Miami-Dade County ("County") hold an inmate until Immigration and Customs Enforcement can assume custody of the inmate, up to 48 hours after the inmate's local charges have been resolved; and

WHEREAS, on December 3, 2013, the County adopted Resolution No. R-1008-13 directing the County Mayor, or his designee to implement a policy whereby the Department may, in its discretion, honor detainer requests issued by Immigration and Customs Enforcement only if the federal government agrees in writing to reimburse the County for any and all costs relating to compliance with such detainer requests, and either:

- a. the inmate that is the subject of such a request has a previous conviction for a Forcible Felony, as defined in Florida Statute section §776.08, or
- b. the inmate that is the subject of such a request has, at the time the Department receives the detainer request, a pending charge of a non-bondable offense, as provided by Article I, Section 14 of the Florida Constitution, regardless of whether bond is eventually granted; and

WHEREAS, effective January 1, 2014, the County began honoring detainer requests only when the above conditions were met; and

WHEREAS, since the implementation of this policy, County taxpayers have saved hundreds of thousands of dollars in costs that are unreimbursed by the federal government associated with honoring immigration detainer requests; and

WHEREAS, Senate Bill (SB) 872 and House Bill (HB) 675 have been filed by Senator Aaron Bean (R – Jacksonville) and Representative Larry Metz (R – Groveland), respectively; and

WHEREAS, SB 872 and HB 675 are identical bills that would prohibit local governmental entities and law enforcement agencies from limiting or restricting the enforcement of federal immigration law, including but not limited to, limiting or restricting compliance with an immigration detainer; and

WHEREAS, SB 872 and HB 675 prohibit "Sanctuary Policies" defined therein as "a law, policy, practice, procedure, or custom adopted or permitted by a state entity, state official, law enforcement agency, local governmental entity, or local government official ... which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency or a federal immigration official with respect to federal immigration enforcement, including, but not limited to, cooperation with immigration detainees"; and

WHEREAS, SB 872 and HB 675 would preempt County policy as it specifies that "a state or local governmental entity or official or a law enforcement agency may not limit or restrict the enforcement of federal immigration law, including, but not limited to, limiting or restricting a state or local governmental entity or official or a law enforcement agency from complying with an immigration detainer"; and

WHEREAS, SB 872 and HB 675 would permit the Florida Attorney General, or applicable state attorney, to institute proceedings in Circuit Court to enjoin a law enforcement agency or local governmental entity found to be in violation of the proposed legislation and would impose fines of at least \$1,000, but not more than \$5,000, for each day that the policy or practice was found to be in effect before the injunction was granted; and

WHEREAS, pursuant to 8 C.F.R. §287.7(e), Immigration and Customs Enforcement is not responsible for incarceration costs of any individual against whom a detainer is lodged until actual assumption of custody; and

WHEREAS, SB 872 and HB 675 could impact the County's policy regarding immigration detainees and could prevent the County from obtaining reimbursement for any and all costs related to honoring immigration detainees; and

WHEREAS, detainer requests are an unfunded federal mandate that impose hefty fiscal burdens and legal liability on local law enforcement agencies; and

WHEREAS, SB 872 and HB 675 could result in the taxpayers of Miami-Dade County, and any county in Florida, incurring the cost of honoring immigration detainees; and

WHEREAS, the Mayor and City Commission oppose SB 872 and HB 675 because such Bills would preempt policies set by Miami-Dade County that provide that the County will only hold such inmates under immigration detainer requests up to 48 hours if the federal government reimburses County taxpayers for the cost.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby oppose SB 872 and HB 675, or similar legislation that would preempt local policies related to immigration detainer requests.

PASSED and **ADOPTED** this _____ day of _____, 2016.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

2016
City Attorney

2-3-16
Date



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Kristen Rosen Gonzalez, Commissioner

DATE: February 1, 2016

SUBJECT: Agenda item for the February 10, 2016 Commission Meeting

Please place on the February 10, 2016 Commission Meeting a discussion item regarding Resolution opposing SB 872 and HB 675.

If you have any questions please do not hesitate to call our office.

Thank you.

Grethel Aguiar
On behalf of Commissioner Rosen Gonzalez

MIAMI BEACH

Grethel Aguiar

Aide to Commissioner KRISTEN ROSEN GONZALEZ

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7000 Ext. 6854 / Fax: 305-673-7096 / www.miamibeachfl.gov

grethelaguiar@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.



Office of the Chair

Board of County Commissioners
Office of Community Advocacy
Hispanic Affairs Advisory Board
111 NW 1st Street • Suite 1034
Miami, Florida 33128-1994
T 305-375-5098 F 305-375-5715

<http://www.miamidade.gov/advocacy/hispanic-affairs-home.asp>

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Natalie Milian, Director/
Program Officer

January 29, 2016

Honorable Philip Levine, Mayor
and Members of the City Commission
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Levine:

On January 20, 2016, the Miami-Dade County Board of County Commissioners approved Resolution No. 153028, on the county commission agenda, 'opposing SB 872 and HB 675, or similar legislation that would preempt policies set by the Board of County Commissioners regarding immigration detainer requests'. Should SB 872 and HB 675 be approved by the Florida Legislature, they will be applicable to any county, municipality, or other political subdivision of the state of Florida. These bills that are currently being considered by the Florida Legislature promote an opposition to immigration that will negatively affect the residents of our state and will have a detrimental impact on our communities.

On behalf of the Miami-Dade County Hispanic Affairs Advisory Board (HAAB) we urge you to adopt similar legislation within your municipality, demonstrating that we stand united in opposing these bills. It is important that the voices of our immigrant residents be heard. We must stand with the community, and ensure that our rich history of opportunity and inclusiveness in Florida is not diminished. Together with your support, we can send a clear message Florida Legislature that our community does not support anti-immigrant bills or promote anti-immigrant sentiment.

Should you have any questions, concerns, or if HAAB can be of any assistance to you, please feel free to contact the Miami-Dade County Hispanic Affairs Advisory Board office at (305) 375-5098.

Sincerely,

A handwritten signature in black ink, reading "Abbie B. Cuellar".

Abbie B. Cuellar
Chairperson
Miami-Dade County Hispanic Affairs Advisory Board

EDITORIALS FEBRUARY 1, 2016 7:47 PM

Leave the immigrant round-ups to the feds

HIGHLIGHTS

Legislative proposal would make localities agents of U.S. immigration law.

Neither the state nor feds would pay the costs of enforcement

Florida lawmakers should reject this legislation.



A Donald Trump-inspired anti-immigrant bill will be up for discussion Tuesday on the floor of the Florida House. Lawmakers should discuss it all they want, then stop this ill-advised legislation in its tracks.

House Bill 675, sponsored by Rep. Larry Metz, R-Lake County, would twist the arms of local governments, law-enforcement officials and school districts to cooperate with federal immigration authorities and — under penalty of stiff fines — report undocumented residents, including students and then detain them.

If enacted, the law would require Florida to penalize cities, counties and sheriffs that don't cooperate up to \$5,000 a day. In others words, local governments would be working for *la migra*.

Its anti-immigrant tone aside, this is not job of the localities, and their residents should not have to foot the bill for such enforcement.

The ACLU, WeCount!, the Florida Immigrant Coalition and other organizations are right to vehemently oppose the bill, saying it requires localities to comply with all immigration-related requests by the federal government, including requests to imprison someone without the judicial determination of probable cause required under the Fourth Amendment.

Imagine. Teachers could be forced to report undocumented students, local law enforcement would have to detain similar immigrants they encounter, even during a traffic stop. Then the rest of us would then pay to house them at, say, the county jail.

The bill would also prohibit cities and counties from passing local laws to create safe havens or “sanctuary cities” for illegal immigrants and authorize the attorney general to sue cities and fine them for not enforcing those rules.

Seven Florida counties, including Miami-Dade, have “sanctuary” policies that allow authorities limited cooperation with immigration authorities. And currently, local governments are not obligated or funded for immigrant round-ups, clearly the responsibility of the federal government.

Rep. Metz has said he sponsored House Bill 675 in response to the 2015 incident in San Francisco in which a young woman was fatally shot by a Mexican immigrant. The suspect had been released by the San Francisco County sheriff's office, despite a request by federal

immigration authorities to detain him. The shooting made national news and helped fuel the early days of Mr. Trump's presidential campaign.

Whether that sheriff's office should have cooperated with the feds in this particular case is open to debate. However, Rep. Metz's proposal is mean-spirited and overreaching. In addition to the cost it would impose on local governments, there's potential legal liability, neither of which the state will not fund or the federal government reimburse. And, of course, the cost of shattered families is cruel and incalculable.

Miami-Dade commissioners last month unanimously passed a resolution opposing HB 675, a good warning shot.

Miami-Dade residents know from experience they'll be stuck with the bill. Between 2011 and 2012, Miami-Dade said it spent over \$1.6 million detaining individuals, monies not reimbursed by the federal government.

HB 675 is expected to pass the House. In the Senate, under the leadership of Miami Sen. Miguel Diaz de la Portilla, the companion bill is expected to be skewered and then, let us hope, smothered for good measure.



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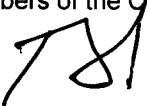
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R9

**NEW BUSINESS
AND
COMMISSION REQUESTS**

R9

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
 From: Rafael Granado, City Clerk 
 Date: February 10, 2016
 Subject: BOARDS AND COMMITTEES

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

ANALYSIS:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC	Page #
Ad Hoc Host 2017 U.S. Conference of Mayors	10	Mayor Philip Levine	10	1
Affordable Housing Advisory Committee	18	Commissioner Ricky Arriola	1	2
		City Commission	6	2
Audit Committee	7	Commissioner Ricky Arriola	1	5
Budget Advisory Committee	9	City Commission	1	9
Committee for Quality Education in Miami Beach	9	Commissioner Ricky Arriola	1	10
		Commissioner Michael Grieco	1	10
Committee on the Homeless	9	Commissioner Michael Grieco	1	12
		Mayor Philip Levine	1	12
Design Review Board	8	City Manager Jimmy L. Morales	1	14
Disability Access Committee	14	Commissioner Ricky Arriola	1	16
Health Advisory Committee	12	City Commission	3	17

Hispanic Affairs Committee	7	Commissioner Ricky Arriola	1	20
Housing Authority	5	Mayor Philip Levine	1	22
Miami Beach Human Rights Committee	11	City Commission	1	31
Production Industry Council	7	Commissioner Ricky Arriola	1	42
Transportation, Parking, Bicycle-Pedestrian Facilities Committee	7	Commissioner Michael Grieco	1	44

VACANCY REPORT

Appointor Name	Board Name	Vacancy	Total Members
City Commission			
	Affordable Housing Advisory Committee	6	18
	Budget Advisory Committee	1	9
	Health Advisory Committee	3	12
	Miami Beach Human Rights Committee	1	11
City Manager Jimmy L. Morales			
	Design Review Board	1	8
Commissioner Michael Grieco			
	Committee for Quality Education in Miami Beach	1	9
	Committee on the Homeless	1	9
	Transportation, Parking, Bicycle-Pedestrian Facilities Committee	1	7
Commissioner Ricky Arriola			
	Affordable Housing Advisory Committee	1	18
	Audit Committee	1	7
	Committee for Quality Education in Miami Beach	1	9
	Disability Access Committee	1	14
	Hispanic Affairs Committee	1	7
	Production Industry Council	1	7
Mayor Philip Levine			
	Ad Hoc Host 2017 U.S. Conference of Mayors	10	10
	Committee on the Homeless	1	9
	Housing Authority	1	5

Boards and Committees Current Members

Ad Hoc Host 2017 U.S. Conference of Mayors

Composition:

1. The City of Miami Beach's hosting of the June 2017 United States Conference of Mayors Annual Meeting in the City of Miami Beach serves a public purpose.
2. An Ad Hoc Host Committee for said 2017 Annual Meeting is hereby created, whose purpose is to raise funds for the City's costs in hosting the 2017 Annual Meeting
3. The Ad Hoc Host Committee shall be composed of up to ten (10) members to be direct appointees of the Mayor.
4. Ad Hoc Host Committee member terms shall commence on January 14, 2016 for an initial one year term, followed by an additional term through and including June 30, 2017 (subject to earlier or later sunset by the City Commission).
5. The City is hereby authorized to accept donations for this public purpose, and the City Manager, or his designee, is authorized to make such expenditures and/or reimbursements from the donations in furtherance of and consistent with the aforesaid public purpose served by the City's hosting of 2017 United States Conference of Mayors Annual Meetings.

City Liaison:

Vacancy:

Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine

Members:

Affordable Housing Advisory Committee

Sec. 2-167

Composition:

The Committee shall consist of eighteen (18) voting members with two-year terms.

Seven (7) members of the Affordable Housing Advisory Committee shall be direct appointments, one made by the Mayor and each Commissioner.

The direct appointee shall either be:

- (i) a resident of a locally designated community development target area for a minimum of six months; or
- (ii) demonstrate ownership/interest for a minimum of six months in a business established in a locally designated community development target area for a minimum of six months.

The remaining eleven (11) members shall be appointed at-large by a majority vote of the Mayor and City Commission, as follows:

1. One citizen actively engaged in the residential home building industry in connection with affordable housing;
2. One citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing;
3. One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
4. One citizen actively engaged as an advocate for low-income persons in connection with affordable housing;
5. One citizen actively engaged as a for-profit provider of affordable housing;
6. One citizen actively engaged as a not-for-profit provider of affordable housing;
7. One citizen actively engaged as a real estate professional in connection with affordable housing;
8. One citizen who actively serves on the local planning agency pursuant to Florida Statute §163.3174 (Planning Board member);
9. One citizen who resides within the jurisdiction of the local governing body making the appointments;
10. One citizen who represents employers within the jurisdiction;
11. One citizen who represents essential services personnel, as defined in the local housing assistance plan.

If the City, due to the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

City Liaison: Richard Bowman

Vacancy:

Vacant	(11) Represents Essential Services Personnel	12/31/2016	City Commission	
To replace Keren Bajaroff		12/31/2016	Commissioner Ricky Arriola	12/31/2022
To replace Jeremy Glazer	(4) Low-Income Advocate	12/31/2015	City Commission	
To replace Laurence Herrup	(10) Represents Employers With Jurisdiction	12/31/2015	City Commission	12/31/2015
To replace Frank Kruszewski	(8) Actively Serves on Local Planning Agency	12/31/2016	City Commission	
To replace Robert Saland	(1) Residential Home Building	12/31/2015	City Commission	
To replace David Smith	(3) Represents Areas of Labor In Connection with Affordable Housing	12/31/2015	City Commission	12/31/2020

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Sarah	Leddick		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Alexander	Orlofsky		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Allison	Stone	(5) For Profit Provider	12/31/2016	City Commission	12/31/2020
David	Smith	(2) Actively Engaged in Banking/Mortgage Industry	12/31/2016	City Commission	12/31/2020
Karen	Fryd		12/31/2017	Commissioner Joy Malakoff	12/31/2021

Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Matthew	Land		12/31/2017	Commissioner John Alemán	12/31/2023
Mayela	Mueller		12/31/2016	Mayor Philip Levine	12/31/2021
Michael	Feldman	(9) Resides with Jurisdiction of Local Governing Body	12/31/2016	City Commission	12/31/2022
Seth	Feuer		12/31/2016	Commissioner Michael Grieco	12/31/2021
Sixto	Acea	(6) Not for Profit	12/31/2017	City Commission	12/31/2021
Suzanne	Hollander	(7) Real Estate Professional	12/31/2017	City Commission	12/31/2019

Applicants

Barbara Gotlinsky
 Britta Hanson
 Dale Gratz
 Eric Lawrence
 Guy Simani
 Ian Bacheikov
 Janie Hayes
 Joseph Landesman
 Josephine Pampanas
 Lawrence Raab
 Miguel Brizuela
 Roger Shields
 Stephanie Berman

Applicants

Beth Butler
 Craig Smith
 Dr. Barry Ragone
 Francis Trullenue
 Howard Weiss
 Jackson Keddell
 Jordan Nadel
 Josephine Pampanas
 Juan Rojas
 Lisett Fernandez
 Prakash Kumar
 Stanley Shapiro
 Stephen Bernstein

Art in Public Places Committee

Sec. 82-561

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) members to be appointed by a majority of the entire City Commission, and who shall possess a high degree of competence in evaluation of art history and architectural history, art, architecture, sculpture, painting, artistic structure design and other appropriate art media for display or integration in public places.

City Liaison: Dennis Leyva

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Cathy	Byrd		12/31/2016	City Commission	12/31/2019
Chana	Sheldon		12/31/2017	City Commission	12/31/2021
Janda	Wetherington TL		12/31/2016	City Commission	12/31/2016
Megan	Riley TL		12/31/2016	City Commission	12/31/2016
Ombretta	Agro Andruff		12/31/2017	City Commission	12/31/2019
Patricia	Frost		12/31/2017	City Commission	12/31/2019
Susan	Caraballo		12/31/2016	City Commission	12/31/2018

Applicants

Adrian Gonzalez
Alexander Orlofsky
Calvin Kohli
Chana Sheldon
Craig Garmendia
Dale Stine
Eric Montes de Oca
Francis Trullenque
Laura Levey
Leslie Tobin
Michael McManus
Mirta Limonta
Nancy Bernstein
Roger Baumann
Steve Berke
Thomas Musca
Veronica Camacho-Krieger

Applicants

Adrienne Krieger
Allee Newhoff
Carolyn Baumel
Cindy Brown
Craig Garmendia
Elizabeth Schwartz
Francinelee Hand
Keren Bajaroff
Laurence Moser
Marjorie O'Neill-Buttler
Michelle Ricci
Monica Matteo-Salinas
Roger Baumann
Scott Robins
Susan Schemer
Vanessa Menkes

Boards and Committees Current Members

Audit Committee

FS 218.391 & 218.39

Composition:

The members of this Committee shall consist of seven (7) voting members, one each to be directly appointed by the Mayor and each City Commissioner. The primary purpose of the Committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in FS 218.39; however, the Audit Committee may serve other audit oversight purposes as determined by the entity's governing body.

Under FS 218.391 the committee shall:

1. Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm;
2. Evaluate proposals provided by qualified firms; and
3. Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services.

City Liaison: James Sutter

Vacancy:

To replace Dana Kaufman CPA 12/31/2015 Commissioner Ricky Arriola

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	CPA	12/31/2017	Commissioner Joy Malakoff	FS.218.391
Bryan	Rosenfeld	CPA	12/31/2017	Commissioner John Alemán	FS.218.391
Marc	Gidney	CPA	12/31/2017	Commissioner Micky Steinberg	FS.218.391
Michael	Weil		12/31/2016	Mayor Philip Levine	FS.218.391
Patricia	Valderrama		12/31/2017	Commissioner Kristen Rosen Gonzalez	FS.218.391
Ronald	Starkman		12/31/2016	Commissioner Michael Grieco	FS.218.391

Applicants

Bryan Rosenfeld
Patricia Valderrama
Richard Comisky

Applicants

Deede Weithorn
Richard Comisky

Boards and Committees Current Members

Beachfront Management Plan Ad-Hoc Advisory Group

Florida Statute §259.032(10)

Composition:

The City of Miami Beach leases the property eastward of the erosion control line (ECL) from the State of Florida. This lease agreement requires the City to submit an updated land management plan every 10 years for the State's approval. The City's land management plan, also known as the City's Beachfront Management Plan, must outline the property's uses, management activities, and planned projects.

In accordance with Section 259.032(10) of the Florida Statutes, the City must create an advisory group of community stakeholders to review the updated Beachfront Management Plan and to provide comments. The advisory group shall include representatives of: the lead land managing agency, the co-managing entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official.

The terms of the Beachfront Management Plan Ad-Hoc Advisory Group, pursuant to Resolution 2015-29009, shall commence June 1, 2015 and expire on June 1, 2016. At the April 15, 2015 City Commission meeting, the City Commission appointed Commissioner Michael Grieco as the local elected official to the ad-hoc advisory group. The other members of the ad-hoc advisory group shall be as follows:

Representing the lead managing agency: 1) The City's Tourism, Cultural, and Economic Development Department Director, or his designee; 2) The City's Environment and Sustainability Division head, or her designee; 3) The City's Ocean Rescue Division Chief, or his designee.

Representing Miami-Dade County, a co-managing agency: 1) An appointee of the County's Beach Operations program; and 2) An appointee of the County's Beach Re-nourishment program.

Representing the State of Florida, a co-managing agency: 1) An appointee of the Florida Department of Environmental Protection's Coastal Construction Control Line Program.

Representing local private property owners: 1) A member of the Sustainability Committee; 2) The Chairman of the Marine Authority and Waterfront Protection Committee; and 3) An appointee of the Boucher Brothers.

Representing the appropriate soil and water conservation district: 1) An appointee of the South Dade Soil and Water Conservation District.

Representing a local conservation organization: 1) Urban Conservation Director at The Nature Conservancy.
City Liaison: Elizabeth Wheaton

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Greg	Guannel TL	The Nature Conservancy Urban Conservation Director	06/01/2016		06/01/2016
Elizabeth	Wheaton	Environment & Sustainability Division Head or designee	06/01/2016		
Vincent	Canosa TL	Ocean Rescue Division Chief	06/01/2016		06/01/2016
Steve	Boucher TL	Boucher Brothers appointee	06/01/2016		06/01/2016
John	Ripple TL	Miami-Dade County's Beach Operations Program	06/01/2016		06/01/2016
Lisa	Spadafina TL	Miami-Dade County's Beach Renourishment Program	06/01/2016		06/01/2016
Christian	Lambright TL	FLA Dept./Environmental Protection's Coastal Construction Control Line	06/01/2016		06/01/2016
Daniel	Kipnis TL	Marine Authority & Waterfront Protection Committee Chairman	06/01/2016		06/01/2016
Max	Sklar TL	Tourism, Culture & Economic Development Director	06/01/2016		06/01/2016

Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Michael	Grieco	Local Elected Official			
Steve	Vincenti TL	Sustainability Committee Member	06/01/2016		06/01/2016

Board of Adjustment

RSA I-2 Sec 118-131

Composition:

Two (2) year term.

Appointed by a 5/7th vote.

Seven (7) voting members composed of two members appointed as citizens at-large and five members shall be appointed from each of the following categories (no more than one per category), namely: Law, Architecture, Engineering, Real Estate Development, Certified Public Accountant, Financial Consultation, and General Business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community; the member representing the field of financial consultation shall be a Certified Public Accountant, Chartered Financial Analyst, Certified Financial Planner, a Chartered Financial Consultant or investment advisor registered with the Securities and Exchange Commission, or someone recognized as having similar credentials and duly licensed by the State of Florida.

Members shall be appointed for a term of two years by a 5/7th vote of the City Commission. Members of the Board of Adjustment must be either residents of or have their principal place of business in Miami Beach; provided, however, that this amendment shall not affect the term of existing members of the Board of Adjustment.

City Liaison: Michael Belush

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Barton	Goldberg	Financial Advisor	12/31/2017	City Commission	12/31/2019
Daniel	Nagler	General Business	12/31/2017	City Commission	12/31/2021
Heidi	Tandy	At-Large	12/31/2017	City Commission	12/31/2019
James	Orlowsky	CPA	12/31/2017	City Commission	12/31/2021
Noah	Fox	Real Estate Developer	12/31/2016	City Commission	12/31/2018
Richard	Baron	At-Large	12/31/2016	City Commission	12/31/2021
Richard	Segal	Law	12/31/2016	City Commission	12/31/2021

Applicants

Aaron Davis
 Bradley Colmer
 David Wieder
 Frank Del Vecchio
 Ian Bacheikov
 Jack Benveniste
 JAMES ORLOWSKY
 JAMES ORLOWSKY
 Jeff Cynamon
 Jonathan Beloff
 Kristen Rosen Gonzalez
 Lawrence Seitz
 Mendy Lieberman
 Nelson Fox
 Ray Breslin
 Seth Frohlich

Applicants

Andres Asion
 Brian Ehrlich
 Deborah Castillo
 Gabriel Paez
 Ian Bacheikov
 James Silvers
 JAMES ORLOWSKY
 Jared Galbut
 Jeffrey Feldman
 Kathleen Phang
 Lawrence Seitz
 Mark Alhadeff
 Muayad Abbas
 Ray Breslin
 Roberta Gould
 Victor Ballestas

Boards and Committees Current Members

Budget Advisory Committee

Sec. 2-44

Composition:

Nine (9) members. Seven (7) direct appointments with Mayor and each Commissioner making one (1) appointment.

Two (2) at-large appointments:

- one (1) certified public accountant and
- one (1) for a financial advisor.

City Liaison: John Woodruff

Vacancy:

To replace Marc Gidney CPA 12/31/2016 City Commission

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Susan	Rosenthal		12/31/2017	Commissioner John Alemán	12/31/2023
Brian	Harris	Financial Advisor	12/31/2016	City Commission	12/31/2019
Carl	Linder		12/31/2017	Commissioner Michael Grieco	12/31/2023
Jonathan	Fryd		12/31/2017	Mayor Philip Levine	12/31/2021
Jonathan	Beloff		12/31/2017	Commissioner Joy Malakoff	12/31/2023
Joseph	Landesman		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Ronald	Starkman		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Steve	Zuckerman		12/31/2016	Commissioner Ricky Arriola	12/31/2023

Applicants

Beth Emerson
Bryan Rosenfeld
Dwight Kraai
Gia Kastelic
Jason Witrock
Joseph Landesman
Mark Samuelian
Mirta Limonta
Rachel Schuster
Richard Comisky
Robert Schwartz

Applicants

Brett Harris
Bryan Rosenfeld
Elliott Richard Alhadeff
Guy Simani
John Bowes
Mario Coryell
Michael Levine
Noah Fox
Regina Suarez
Richard Comisky
Stephen Zack

Boards and Committees Current Members

Committee for Quality Education in Miami Beach

Sec. 2-190.134

Composition:

The Committee shall consist of fifteen (15) voting members and three non-voting ex-officio members to be comprised as follows.

A representative from each of the following eight schools, selected by the Parent Teacher Association:

North Beach Elementary,
Biscayne Elementary,
Feinberg-Fisher K-8 Center,
South Pointe Elementary,
Nautilus Middle School,
Miami Beach High School,
Ruth K. Broad K-8 Center,
Treasure Island Elementary School,

and seven (7) members of the public with knowledge or expertise with regard to education issues who shall be direct appointments by the Mayor and City Commissioners with no more than three who can be employed or contracted by Miami-Dade County public schools.

The City Commission shall designate two (2) of its members to serve as City Commission liaisons, who shall report to the City Commission actions of the Committee for Quality Education. The City Manager shall further designate a member of City staff to serve as a liaison who shall report the Committee's actions to the City Manager.

City Liaison: Dr. Leslie Rosenfeld

Vacancy:

To replace Marina Aviles	12/31/2016	Commissioner Michael Grieco	12/31/2022
To replace Richard Hull	12/31/2016	Commissioner Ricky Arriola	12/31/2022

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Betsy	Mateu		12/31/2016	Mayor Philip Levine	12/31/2021
John	Alemán	City Commission Designee	11/30/2019	City Commission	11/30/2019
Judith	Berson-Levinson		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Karen	Edelstein		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Micky	Steinberg	City Commission Designee	11/30/2017	City Commission	
Tiffany	Heckler		12/31/2017	Commissioner John Alemán	12/31/2023
Yvette	Tache		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Beth	Edwards	PTA Representative-Nautilus Middle School 06.30.15	06/30/2016		
Beverly	Heller	PTA Rep. -North Beach Elementary School 06.30.15	06/30/2016		
Elisa	Leone	PTA Rep. - Biscayne Elementary 06.30.14	06/30/2016		
Ivette	Birba	PTA Rep.-Feinberg Fisher K-8 06.30.15	06/30/2016		
Jordan	Leonard	PTA Rep. - Ruth K. Broad K-8 06.30.15	06/30/2016		
Kayla	Rynor	PTA Rep.- Miami Beach Sr. High School 06.30.15	06/30/2016		
Rosa	Neely	PTA Rep. -Treasure Island Elementary 06.30.14	06/30/2016		

MIAMI BEACH

Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Faiza	Liban	PTA Rep. South Pointe Elementary 6.30.15	06/30/2016		

Applicants

Elsa Orlandini
Hicham Moujahid
Ivan Montes
Jessica Burns
Keren Bajaroff
Laurie Kaye Davis
Marjorie York
Melissa Sheppard-Broad
Peter Matos
Tashaunda Washington

Applicants

Eric Montes de Oca
Ivan Montes
Janet Horwitz
Joanna-Rose Kravitz
Kristen Rosen Gonzalez
Lynette Long
Mary Keinath
Pamela Brumer
Richard Hull
Yvette Tache

Boards and Committees Current Members

Committee on the Homeless

Sec. 2-161

Composition:

The Committee shall consist of nine (9) members, three (3) to be appointed by the Mayor and each Commissioner to appoint one (1).

Each member of the Committee shall be selected from membership in an organization such as, but not limited to the following:

Service Providers:

Douglas Gardens Community Mental Health,
Salvation Army,
Better Way,
Miami-Dade County Homeless Trust;

Civic Representation: North Beach (North Beach Development Corporation), 41st Street (Middle Beach Partnership), Lincoln Road (Marketing Council), Washington Avenue (Miami Beach Development Corporation and/or Washington Avenue Task Force), Ocean Drive (Ocean Drive Improvement Association), Collins Avenue (Hotel Association), South Pointe (South Pointe Advisory Board to the Redevelopment Agency); member of the general public with personal experience with homeless issues; CDBG Project Coordinator (ESG Emergency Shelter Grant Provider), City officials, representative from the Police Department and the City Attorney's Office as ex-officio members.

City Liaison: Alba Tarre

Vacancy:

Vacant	12/31/2017	Mayor Philip Levine	
To replace Jonathan Kroner	12/31/2015	Commissioner Michael Grieco	12/31/2017

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Lourdes	Oroza		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Calvin	Kohli		12/31/2016	Commissioner Joy Malakoff	12/31/2022
Debra	Schwartz		12/31/2017	Mayor Philip Levine	12/31/2021
Dona	Zemo		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Freddy	Funes		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Gail	Harris TL		12/31/2016	Mayor Philip Levine	12/31/2016
Valerie	Navarrete		12/31/2017	Commissioner John Alemán	12/31/2022

Applicants

Dale Gratz
Deborah Robins
Helen Swartz
Magui Benitez
Mark Wylie
Muayad Abbas
Robert Gonzalez
Rosalie Pincus
Stephanie Berman

Applicants

Darren Cefalu
Eda Valero-Figueira
Lior Leser
Marina Aviles
Monica Casanova
Patricia Valderrama
Rocio Sullivan
Stanley Shapiro
Zeiven Beitchman

Boards and Committees Current Members

Convention Center Advisory Board

Sec. 2-46

Composition:

The Board shall consist of seven (7) voting members.

The Mayor and each Commissioner shall make one (1) direct appointment.

The Chairperson of the Board of Directors of the Miami Beach Chamber of Commerce or his/her designee shall serve as a non-voting ex-officio member.

The Chairperson of the Board of Directors of the Greater Miami Convention and Visitors Bureau or his designee shall serve as a non-voting ex-officio member.

Administrative representatives from the management group, Greater Miami Convention and Visitors Bureau, and the City Manager's office shall serve as non-voting ex-officio members.

City Liaison: Max Sklar

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Andres	Asion		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Brian	Gilderman		12/31/2016	Mayor Philip Levine	12/31/2022
Elizabeth	Resnick		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2020
Laurence	Herrup		12/31/2017	Commissioner Joy Malakoff	12/31/2023
Lior	Leser		12/31/2017	Commissioner John Alemán	12/31/2023
Michael	Goldberg		12/31/2016	Commissioner Michael Grieco	12/31/2021
Peter	Matos		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Ita	Moriarty	Ex-officio, GMCVB Admin. Rep.			
Joshua	Levy	Ex-officio, Chair Bd. Dir. MBCC			
Matt	Hollander	Ex-officio, Global Spectrum Admin. Rep.			

Applicants

Adam Kravitz
 Carl Linder
 David Kahn
 Howard Weiss
 Jared Galbut
 Karen Brown
 Laurence Moser
 Lee Zimmerman
 lior Leser
 Mark Wohl
 MICHAEL BERNSTEIN
 Tiva Leser

Applicants

Barbara Gotlinsky
 Carl Linder
 Gayle Durham
 James Weingarten
 John Lee
 Keren Bajaroff
 Lawrence Raab
 Leslie Coller
 Mark Wylie
 Michael Bernstein
 Nawaz Gilani
 Victor Ballestas

Boards and Committees Current Members

Design Review Board

Sec. 118.71

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) regular members shall consist of:

1. Two architects registered in the United States;
2. An architect registered in the State of Florida or a member of the faculty of the school of architecture, urban planning, or urban design in the State, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture, or a professional practicing in the fields of architectural design, or urban planning;
3. One landscape architect registered in the State of Florida;
4. One architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning, or a resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and
5. Two citizens at-large.

One person appointed by the City Manager from an eligibility list provided by the Disability Access Committee shall serve in an advisory capacity with no voting authority. The Planning Director or designee, and the City Attorney or designee, shall serve in an advisory capacity.

Residency and place of business in the county. The two (2) citizens at-large members, one of the registered landscape architects, registered architects, professional designers and/or professional urban planners shall be residents of the City.

City Liaison: Deborah Tackett

Vacancy:

Vacant	Ex-Officio/Disability Access Committee	12/31/2016	City Manager Jimmy L. Morales
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Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Annabel	Delgado-Harrington	Registered Architect	12/31/2017	City Commission	12/31/2019
Carol	Housen TL	At-large	12/31/2016	City Commission	12/31/2016
Deena	Bell	Landscape Architect	12/31/2017	City Commission	12/31/2020
Elizabeth	Camargo	Registered Architect	12/31/2017	City Commission	12/31/2019
John	Turchin	At-Large	12/31/2017	City Commission	12/31/2019
Kathleen	Phang	Attorney	12/31/2016	City Commission	12/31/2019
Michael	Steffens	Registered Architect	12/31/2016	City Commission	12/31/2020
Eve	Boutsis	Advisory/City Attorney Designee			
Thomas	Mooney	Advisory/Planning Dept. Director			

Applicants

Andres Asion
Bradley Colmer
Bryan Rosenfeld
Clotilde Luce
David Kahn
Deborah Castillo

Applicants

Alexander Orlofsky
Andres Asion
Brian Ehrlich
Christina LaBuzetta
Daniel Hertzberg
David Smith
Francinelee Hand

Boards and Committees Current Members

Jack Finglass

Jeffrey Feldman

Joseph Furst

Lawrence Seitz

Manuel (Mickey) Minagorri

Marvin Weinstein

Michael Barrineau

Nelson Fox

Ruben Conitzer

Seth Wasserman

Suzanne Hollander

Victor Ballestas

Jean-Francois Lejeune

Jeffrey Cohen

Kirk Paskal

Lawrence Seitz

Marina Novaes

Matthew Krieger

Neal Deputy

Richard Baron

Seth Frohlich

Stacy Kilroy

Terry Bienstock

Victor Morales

Boards and Committees Current Members

Disability Access Committee

2006-3500 S 2-31

Composition:

The disability access committee shall be composed of 14 voting members; the mayor and each city commissioner shall make two direct appointments. A quorum shall consist of eight members. Formal action of the board shall require at least eight votes. Consideration shall be given, but not be limited to, the following categories:

Persons having mobility impairment;
Deaf and/or hard-of-hearing persons in the community;
Blind and/or vision-impaired persons in the community;
Mental, cognitive or developmental disabilities; and
The industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation).
The city attorney's office shall provide legal counsel.
City Liaison: Valeria Mejia

Vacancy:

To replace Matthew Meyer 12/31/2015 Commissioner Ricky Arriola 12/31/2020

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
David	McCauley		12/31/2016	Commissioner Joy Malakoff	12/31/2020
Eddie	Sierra		12/31/2017	Commissioner John Alemán	12/31/2023
Elsa	Orlandini		12/31/2016	Commissioner Michael Grieco	12/31/2021
Gloria	Salom		12/31/2016	Commissioner Kristen Rosen Gonzalez	12/31/2023
Helen	Swartz		12/31/2017	Commissioner Joy Malakoff	12/31/2018
Lawrence	Fuller		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Nancy	Soler-Rammos		12/31/2017	Commissioner John Alemán	12/31/2023
Oliver	Stern		12/31/2016	Commissioner Michael Grieco	12/31/2021
Roger	Abramson		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Russell	Hartstein		12/31/2017	Mayor Philip Levine	12/31/2019
Sabrina	Cohen		12/31/2016	Commissioner Ricky Arriola	12/31/2017
Susana	Maroder-Rivera		12/31/2016	Commissioner Micky Steinberg	12/31/2019
Wendy	Unger TL		12/31/2016	Mayor Philip Levine	12/31/2016

Applicants

Allison Stone
David New
Jared Plitt
Jarred Relling
Rafael Trevino

Applicants

Britta Hanson
Gloria Salom
Jarred Reiling
Maria Koller
Zachary Cohen

Boards and Committees Current Members

Health Advisory Committee

Sec. 2-81 2002-3358

Composition:

Eleven (11) voting members appointed by the City Commission at-large upon recommendations of the City Manager:

One (1) member shall be the Chief Executive Officer (CEO's) or a designated administrator from Mount Sinai Medical Center;

One (1) member shall be the Chief Executive Officer (CEO) from Miami Beach Community Health Center or his/her designee administrator;

Two (2) members shall be an administrator from an Adult Congregate Living Facility (ACLF), and/or an Assisted Living Facility (ALF);

One (1) member shall be a representative from the nursing profession;

One (1) member shall be a health benefits provider;

Two (2) members shall be physicians;

Two (2) members shall be consumers consisting of:

1. One (1) individual from the corporate level and;

2. One (1) private individual;

One member shall be a physician or an individual with medical training or experience.

There shall be one (1) non-voting ex-officio representative from each of the following: The Miami-Dade County Health Department, the Health Council of South Florida, and the Fire Rescue Department. The director of the Office of the Children's Affairs shall be added as a non-voting ex-officio member of the board.

City Liaison: Sonia Bridges

Vacancy:

Vacant	Ex-Officio Fire Rescue Department	12/31/2018		
To replace Richard Awdeh	Corporate Individual	12/31/2015	City Commission	12/31/2020
To replace Anthony Japour TL	ACLF	12/31/2015	City Commission	12/31/2016
To replace Dr. Todd Narson TL	Health Provider	12/31/2015	City Commission	12/31/2016

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Alan	Nieder	Private Individual	12/31/2017	City Commission	12/31/2021
Jeremy	Green	Physician	12/31/2016	City Commission	12/31/2019
Karen	Rivo	Nursing Profession	12/31/2017	City Commission	12/31/2021
Marisel	Losa	Ex-Officio, Miami-Dade County Health Department	12/31/2016	City Commission	
Mark	Rabinowitz	CEO, Miami Beach Community Health	12/31/2016	City Commission	
Rachel	Schuster TL	ACLF	12/31/2016	City Commission	12/31/2016
Richard	Cuello-Fuentes	Physician	12/31/2016	City Commission	12/31/2022
Stacey	Kruger TL	Physician	12/31/2016	City Commission	12/31/2016
Steven	Sonenreich	CEO, Mt. Sinai Medical Center (NTL)	12/31/2016	City Commission	12/31/2020
Maria	Ruiz	Ex-Officio, Director of Children's Affairs			

Applicants

Christine Butler
Craig Garmendia
Janie Hayes
Kara White
Michael Hall

Applicants

Craig Garmendia
David Berger
Jared Plitt
Maura Shiffman
Richard Awdeh

Sixto Acea

Zachary Cohen

Health Facilities Authority Board

Sec. 2-111

Composition:

Four (4) year terms.

Five (5) members shall consist of:

Two (2) health providers;

One (1) individual in the field of general business who possesses good standing in the community;

One (1) accountant; and

One (1) attorney;

The Chairperson of the Health Advisory Board shall serve as a non-voting advisor to the Authority. Members shall be residents of the City.

Florida Statute 154.207 No term Limits.

City Liaison: Juan Rodriguez

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	Accountant	06/19/2016	City Commission	FS.154.207
Mark	Sinnreich	Health Provider	06/19/2016	City Commission	FS.154.207
Michael	Hall	Health Provider	06/19/2018	City Commission	FS.154.207
Robert	Hertzberg	Attorney	06/19/2017	City Commission	FS.154.207
Sidney	Goldin	General Business	06/19/2018	City Commission	FS.154.207
Steven	Sonnenreich	Chairperson, Health Advisory Board	12/31/2016		FS.154.207

Applicants

Alan Nieder

Elsa Orlandini

Richard Cuello-Fuentes

Zachary Cohen

Applicants

Dr. David Farcy

Rachel Schuster

Rosalie Pincus

Boards and Committees Current Members

Hispanic Affairs Committee

Sec. 2-190.21

Composition:

The Committee shall consist of seven (7) members, with the Mayor and each Commissioner making one (1) appointment.

City Liaison: Nannette Rodriguez

Vacancy:

To replace Francis Trullenque 12/31/2015 Commissioner Ricky Arriola 12/31/2015

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Alex	Fernandez		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2021
Ana Cecilia	Velasco		12/31/2016	Commissioner Michael Grieco	12/31/2021
Christina	LaBuzetta		12/31/2016	Mayor Philip Levine	12/31/2021
Heriberto (Herb)	Sosa		12/31/2016	Commissioner John Alemán	12/31/2023
Miguel	Brizuela		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Regina	Suarez		12/31/2017	Commissioner Joy Malakoff	12/31/2023

Applicants

Antonio Purrinos
Eneida Mena
Josephine Pampanas
Leonor Fernandez
Rafael Trevino
Wil Martinez

Applicants

David Cardenas
Israel Sands
Josephine Pampanas
Lisett Fernandez
Sixto Acea

Historic Preservation Board

Sec. 118-101

Composition:

Two (2) year term, appointed by a minimum of four (4) votes.

Seven (7) members with one member from each of the following categories:

1. A representative from the Miami Design Preservation League (MDPL) selected from three names nominated by the League;
2. A representative from Dade Heritage Trust (DHT) selected from three names nominated by the Trust;
3. Two at-large members who have resided in one of the City's historic districts for at least one year, and have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings;
4. An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures;
5. An architect registered in the United States, a landscape architect registered in the State of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed to practice in the United States, or an engineer licensed in the State of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation;
6. A member of the faculty of a school of architecture in the State of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.

All members of the Board except the architect, engineer, landscape architect, professional practicing in the field of architectural or urban design or urban planning and university faculty members of the Board, shall be residents of the City; however, the City Commission may waive this requirement by a 5/7th vote, in the event a person not meeting these residency requirements is available to serve on the Board and is exceptionally qualified by training and/or experience in historic preservation matters.

City Liaison: Deborah Tackett

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Dominique	Bailleul TL	At Large	12/31/2016	City Commission	12/31/2016
Jack	Finglass	At Large	12/31/2017	City Commission	12/31/2021
Jane	Gross TL	Dade Heritage	12/31/2016	City Commission	12/31/2016
John	Stuart	Registered Architect	12/31/2017	City Commission	12/31/2019
Scott	Needelman	MDPL	12/31/2016	City Commission	12/31/2020
Stevan	Pardo	Attorney	12/31/2017	City Commission	12/31/2021
Wyn	Bradley	Faculty Member	12/31/2017	City Commission	12/31/2019

Applicants

Andrew Nelson
 Bradford Bonessi
 Deborah Castillo
 Elizabeth Camargo
 Jeffrey Cohen
 Kathleen Phang
 Lawrence Seitz
 Marina Novaes
 Michael Steffens
 Morris Sunshine
 Raymond Adrian
 Roger Baumann
 Stephen Sauls
 Steve Berke

Applicants

Bradford Bonessi
 Bradley Colmer
 Dona Zemo
 Jean-Francois Lejeune
 Jennifer Lampert
 Kirk Paskal
 Lawrence Seitz
 Mark Alhadeff
 Michael Barrineau
 Neal Deputy
 Roger Baumann
 Samuel Rabin, Jr.
 Stevan Pardo
 William Lane

Boards and Committees Current Members

Housing Authority

Reso 7031 421.05 FS

Composition:

Four year appointment.

Five (5) members appointed by the Mayor.

Appointments must be confirmed by the City Commission.

At least one (1) member shall be a resident who is current in rent in a housing project, or a person of low or very low income who resides within the Housing Authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the Housing Authority, which member shall be appointed at the time a vacancy exists.

City Liaison: Maria Ruiz

Vacancy:

To replace Peter Chevalier	Housing Authority Commissioner	10/11/2015	Mayor Philip Levine
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Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
David	Greeff	Housing Authority Commissioner	10/11/2016	Mayor Philip Levine	
Dr. Barry	Ragone	Housing Authority Commissioner	10/11/2017	Mayor Philip Levine	
Eugenio	Cabreja	Tenant Commissioner	10/11/2016	Mayor Philip Levine	
Leonor	Fernandez	Housing Authority Commissioner	10/11/2017	Mayor Philip Levine	

Applicants

Barbara Gotlinsky
Jay Dermer
Stanley Shapiro

Applicants

Christina LaBuzetta
Prakash Kumar
Stephen Bernstein

Boards and Committees Current Members

LGBT Advisory Committee

2015-3931

Composition:

The Committee shall consist of fifteen (15) voting members, with three (3) members to be directly appointed by the Mayor, and two (2) members to be directly appointed by each City Commissioner. Notwithstanding the preceding sentence, the initial membership of the Committee shall be comprised of those current members of the Mayor's Gay Business Development Committee, choosing to serve on the Committee, with any additional members (as required to complete the total number of members of the Committee) to be appointed at-large by a majority vote of the City Commission.

City Liaison: Daphne Saba

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Craig	Garmendia		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Dale	Stine		12/31/2016	Commissioner Joy Malakoff	12/31/2017
David	Lancz		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
David	Leeds		12/31/2016	Mayor Philip Levine	12/31/2021
Edison	Farrow		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Elizabeth	Schwartz		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Gayle	Durham		12/31/2017	Commissioner Michael Grieco	12/31/2022
Jorge	Richa		12/31/2017	Mayor Philip Levine	12/31/2017
Laura	Veitia TL		12/31/2016	Commissioner Michael Grieco	12/31/2016
Lynare	Robbins		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Mark	Wylie		12/31/2017	Mayor Philip Levine	12/31/2021
Michael	Bath		12/31/2016	Commissioner Micky Steinberg	12/31/2017
Robin	Schwartz		12/31/2017	Commissioner John Alemán	12/31/2022
Stephen	Fox, Jr.		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Tony	Lima		12/31/2016	Commissioner John Alemán	12/31/2023

Applicants

Bryan Rosenfeld
 Craig Smith
 Heriberto (Herb) Sosa
 Jorge Richa
 Kenneth Wilcox
 Nelida Barrios
 Rafael Trevino
 Robert Gonzalez
 Ronald Wolff
 Walker Burttschell

Applicants

Craig Garmendia
 Eric Hirsch
 Jarred Relling
 Karen Brown
 Laurence Moser
 Otiss (Arah) Lester
 Rebecca Boyce
 Ronald Wolff
 Steven Adkins

Marine and Waterfront Protection Authority

Sec. 2-190.46

Composition:

The Marine and Waterfront Protection Authority shall consist of fourteen (14) voting members, who shall be direct appointments with the Mayor and City Commissioners, each having two (2) direct appointments.

Appointments to the Authority shall consist of a combination of individuals who have had previous experience in:

1. The operation or inspection of marine facilities, including experience in various types of marine vessels and boating activities; and/or
2. Who have an interest in preservation of the City's beaches and waterfronts.

The members of the Authority shall have the right and duty to consult with any member of the City Administration for technical or other information pertaining to the matters before them.

City Liaison: Mercedes Carcasses

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Albert	Parron		12/31/2017	Mayor Philip Levine	12/31/2021
Barbara	Herskowitz		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Caitlin	Pomerance		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Christian	De La Iglesia		12/31/2016	Commissioner Micky Steinberg	12/31/2022
Daniel	Kipnis		12/31/2016	Mayor Philip Levine	12/31/2022
Joel	Aberbach		12/31/2016	Commissioner Ricky Arriola	12/31/2023
John	Lee		12/31/2017	Commissioner John Alemán	12/31/2023
Manon "Marie"	Hernandez		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2022
Morris	Sunshine		12/31/2016	Commissioner Michael Grieco	12/31/2021
Robert	Schwartz		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Robert	Christoph, Jr.		12/31/2016	Commissioner Michael Grieco	12/31/2022
Robert	Rabinowitz		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Ronald	Shane		12/31/2017	Commissioner Joy Malakoff	12/31/2021
Sasha	Boulanger		12/31/2016	Commissioner John Alemán	12/31/2018
Stg. Luis	Sanchez	ex-officio MB Marine Patrol			

Applicants

Adrian Gonzalez
 Darren Cefalu
 Gloria Salom
 Jack Benveniste
 John Kanter
 Iior Ieser
 Maurice Goodbeer
 Michael Levine
 Michael Hall
 Robert Rabinowitz
 Yael Sade

Applicants

Bruce Bennett
 Eric Lawrence
 Isaiah Mosley
 Jennifer Lampert
 Julio Magrisso
 Lizette Lopez
 Mayela Mueller
 Michael Tenzer
 Michael Ritger
 Stephen Bernstein

Mayor's Blue Ribbon Panel on Sea Level Rise

2-23(b)

Composition:

The Mayor's Blue Ribbon Panel on Sea Level Rise is created pursuant to the Mayor's authority to establish blue ribbon panels under Section 2-23 (b) of the City Code. The purpose of the Panel is to continue to monitor the progress of the City's stormwater management program and comprehensive flood management plan. In order to complement the flood management program, the Panel is additionally tasked with the following:

To study and recommend options pertaining to urban design and historic preservation in the face of climate change;

To evaluate and make recommendations related to current floor to area ratio (FAR) and building heights in light of the need for climate adaptation and for the resiliency of the City of Miami Beach;

To provide resident and business subject matter expertise and input into the development of the citywide Resiliency Strategy;

To study and recommend options for green infrastructure solutions in addition to traditional grey infrastructure investments.

The Panel shall initially consist of three (3) members, all of whom shall be appointed by the Mayor to serve for a term of one (1) year.

The membership of the Panel may be increased to five (5) total members, at the discretion of the Mayor.

City Liaison: Lynn Bernstein

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Scott	Robins		01/06/2017	Mayor Philip Levine	01/06/2017
Michael	De Filippi		01/06/2017	Mayor Philip Levine	01/06/2017
Wyn	Bradley		01/06/2017	Mayor Philip Levine	01/06/2017

Boards and Committees Current Members

Mayor's North Beach Master Plan Steering Committee

2-17(b)(2)

Composition:

The Mayor's North Beach Master Plan Steering Committee (the "Steering Committee") is hereby created pursuant to the Mayor's authority to establish Mayor's boards and committees under Section 2-17(b)(2) of the City Code. The Steering Committee will serve as an advisory group to the North Beach Master Plan consultant team and City staff during the development of the Plan with the purpose of providing insight into issues and items of concern to the North Beach Community.

The Steering Committee shall consist of no more than seven (7) members, all of who shall be appointed by the Mayor to serve for a term of not more than one year or until the final presentation of the North Beach Master Plan to the Mayor and City Commission, whichever is less.

City Liaison: Jeff Oris

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Margueritte	Ramos	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Carolina	Jones	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Kirk	Paskal	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Brad	Bonessi	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Betsy	Perez	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Daniel	Veitia	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Nancy	Liebman	TL	12/31/2016	Mayor Philip Levine	12/31/2016

Boards and Committees Current Members

Miami Beach Commission For Women

2007-3570 S 2190-1

Composition:

Twenty-one (21) members.

Each of the seven (7) members of the City Commission shall appoint three (3) members.

City Liaison: Grethel Aguiar, Bonnie Stewart

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Adrienne	Krieger		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Barbara	Kaufman		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Carrie	Wiesenfeld		12/31/2016	Commissioner Michael Grieco	12/31/2021
Corey	Narson		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Dara	Schoenwald		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Debra (Debie)	Quade		12/31/2017	Commissioner Micky Steinberg	12/31/2019
Francinelee	Hand TL		12/31/2016	Commissioner Joy Malakoff	12/31/2016
Jill	Shockett		12/31/2016	Commissioner Joy Malakoff	12/31/2022
Kathy	Andersen		12/31/2017	Commissioner John Alemán	12/31/2023
Laurie Kaye	Davis		12/31/2016	Mayor Philip Levine	12/31/2021
Lindsay	Genet		12/31/2016	Commissioner Michael Grieco	10/31/2021
Lizette	Lopez		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Loretta	Ciraldo		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Marjorie	York		12/31/2016	Commissioner Kristen Rosen Gonzalez	12/31/2023
Melissa	Sheppard-Broad		12/31/2017	Mayor Philip Levine	12/31/2023
Mercedes	Carlson		12/31/2016	Commissioner Michael Grieco	12/31/2018
Regina	Berman		12/31/2016	Mayor Philip Levine	12/31/2017
Sara	Fuchs		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Tiffany	Lapciuc		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2017
Tiva	Leser		12/31/2017	Commissioner John Alemán	12/31/2023
Veronica	Camacho-Krieger		12/31/2017	Commissioner John Alemán	12/31/2023

Applicants

Adriana Pampanas
Beth Butler
Christina LaBuzetta
Dale Gratz
Eda Valero-Figueira
Eneida Mena
Jenifer Caplan
Jessica Conn
Josephine Pampanas

Applicants

Allee Newhoff
Bonnie Crabtree
Clare McCord
Deborah Robins
Elizabeth Resnick
Helen Swartz
Jennifer Lampert
Joanna Popper
Joyce Garret

Boards and Committees Current Members

Karen Rivo

Laura Levey

Lynette Long

Melissa Sheppard-Broad

Meryl Wolfson

Monica Casanova

Patricia Valderrama

Rebecca Boyce

Rocio Sullivan

Tamra Sheffman

Kathy Andersen

Lynare Robbins

Marina Aviles

Meryl Wolfson

Monica Matteo-Salinas

Pan Rogers

Patricia Valderrama

Robin Schwartz

Samantha Bratter

Tashaunda Washington

Boards and Committees Current Members

Miami Beach Cultural Arts Council

Sec. 2-55

Composition:

The cultural arts council shall consist of eleven (11) members to be appointed at large by a majority vote of the mayor and city commission. The members of the Council shall be appointed at-large by majority vote of the Mayor and City Commission. The term of office for each member shall be three (3) years. Additionally, effective December 31, 2002, no Council member may serve more than six consecutive years; this provision shall be measured retroactively from the date of the initial appointments to the Council. No Council member who serves the maximum proscribed term limitations shall be appointed to the Council during the two year period following the expiration of his/her term.

City Liaison: Gary Farmer

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Britta	Hanson		12/31/2017	City Commission	12/31/2021
Charles	Million		12/31/2016	City Commission	12/31/2017
Dale	Gratz		12/31/2016	City Commission	12/31/2020
Dawn	McCall		12/31/2016	City Commission	02/11/2020
Israel	Sands		12/31/2016	City Commission	12/31/2020
Laurence	Moser		12/31/2017	City Commission	12/31/2021
Merle	Weiss		12/31/2017	City Commission	12/31/2017
Peter	Martin		12/31/2017	City Commission	12/31/2021
Roger	Baumann		12/31/2017	City Commission	12/31/2021
Samuel	Rabin, Jr.		12/31/2016	City Commission	12/31/2020
Susan	Schemer		12/31/2016	City Commission	12/31/2019

Applicants

Adriana Pampanas
 Andrew Nelson
 Bradley Ugent
 Daniel Novela
 Eleanor Ellix
 Elliott Richard Alhadeff
 Ivan Montes
 Janda Wetherington
 Jessica Conn
 Joanna Popper
 Kenneth Wilcox
 Lynette Long
 Mark Balzli
 Monica Harvey
 Otiss (Arah) Lester
 Ray Breslin
 Roger Baumann
 Thomas Musca

Applicants

Allee Newhoff
 Beth Emerson
 Calvin Kohli
 Dr. Daniel Nixon
 Eliane Soffer-Siegel
 Eugenio Cabreja
 Jackson Keddell
 Jenna Ward
 Jill Shockett
 Kara White
 Kevin Kelsick
 Marian Del Vecchio
 Michael McManus
 Monica Matteo-Salinas
 Pedro Menocal
 Ray Breslin
 Suely Suchodolski
 Vanessa Menkes

Wesley Castellanos

Miami Beach Human Rights Committee

2010-3669

Composition:

The Committee shall consist of a minimum of five (5) and a maximum of eleven (11) members, with one (1) out of every five (5) members to be a direct appointment by the Mayor, and with the remaining members to be at-large appointments of the City Commission.

The members of the Committee shall reflect, as nearly as possible, the diversity of individuals protected under the City's Human Rights Ordinance. In keeping with this policy, not less than two (2) months prior to making appointments or re-appointments to the Committee, the City Manager shall solicit nominations from as many public service groups and other sources, which he/she deems appropriate, as possible.

At least one (1) of the Committee members shall possess, in addition to the general qualifications set forth herein for members, a license to practice law in the State of Florida; be an active member of and in good standing with the Florida Bar, and have experience in civil rights law. The attorney member shall also serve as Chair of the Committee.

City Liaison: Erick Chiroles, Cilia Maria Ruiz-Paz

Vacancy:

To replace Walker Burttschell
TL

12/31/2015

City Commission

12/31/2016

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Alan	Fishman TL	Law	12/31/2016	City Commission	12/31/2016
Amy	Rabin		12/31/2016	City Commission	12/31/2019
Bradley	Ugent		12/31/2017	City Commission	12/31/2018
Darren	Cefalu		12/31/2016	Mayor Philip Levine	12/31/2022
Ivan	Cano		12/31/2017	City Commission	12/31/2019
Jarred	Reiling		12/31/2017	City Commission	12/31/2021
Kenny	Swartz		12/31/2017	Mayor Philip Levine	12/31/2021
Monica	Harvey		12/31/2016	City Commission	12/31/2018
Rachel	Umlas		12/31/2016	City Commission	12/31/2018
William	Warren Jr.		12/31/2017	City Commission	12/31/2019

Applicants

Adriana Pampanas

Christine Butler

David Mardini

Elizabeth DiBernardo

Hicham Moujahid

Jarred Relling

Jessica Conn

Lisa Almy

Rafael Leonor

Stephen Fox, Jr.

Walker Burttschell

Applicants

Andrea Travaglia

Clare McCord

Dr. Andrew Nullman

Gia Kastelic

Ivan Montes

Jay Dermer

Kenneth Wilcox

Michael Levine

Robin Schwartz

Tony Lima

Miami Beach Sister Cities Program

Sec. 2-181

Composition:

The Coordinating Council is the governing body of the overall Sister Cities Program. The Council shall consist of:

1. One (1) representatives per Sister City affiliation; and
2. Nine (9) other members.

All of these members are appointed by the Mayor.

The members of the Coordinating Council shall be persons who are interested in furthering the purpose of the Program. Any person interested in furthering the purpose of the Program may become a member of an individual Sister City Committee upon approval by the Coordinating Council. To qualify, the person shall present a resume and a letter of interest to the Committee Chairperson.

These members are appointed by the Mayor of the City of Miami Beach for two (2) years.

City Liaison: Tathiane Trofino, Danila Bonini

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Janet	Horwitz	Pescara, Italy	12/31/2017	Mayor Philip Levine	12/31/2023
Carolyn	Baumel	Brampton, Canada	12/31/2017	Mayor Philip Levine	12/31/2021
Deborah	Robins	Almonte, Spain	12/31/2017	Mayor Philip Levine	12/31/2021
George	Neary TL	Other	12/31/2016	Mayor Philip Levine	12/31/2016
Harvey	Burstein	Fujisawa, Japan	12/31/2017	Mayor Philip Levine	12/31/2021
Howard	Weiss	Other	12/31/2016	Mayor Philip Levine	12/31/2021
Jacquelynn	Powers	Nahariya, Israel	12/31/2016	Mayor Philip Levine	12/31/2021
Jessica	Londono	Other	12/31/2017	Mayor Philip Levine	12/31/2021
Joyce	Garret	Ica, Peru	12/31/2016	Mayor Philip Levine	12/31/2021
Kathryn	Orosz	Basel, Switzerland	12/31/2017	Mayor Philip Levine	12/31/2023
Laura	Colin	Other	12/31/2017	Mayor Philip Levine	12/31/2022
Lidia	Resnick	Santa Marta, Colombia	12/31/2016	Mayor Philip Levine	12/31/2021
Lisa	Desmond	Other	12/31/2017	Mayor Philip Levine	12/31/2021
Magui	Benitez	Other	12/31/2017	Mayor Philip Levine	12/31/2021
Maria	Maltagliati	Fortaleza, Brazil	12/31/2016	Mayor Philip Levine	12/31/2021
Nuccio	Nobel TL	Cozumel, Mexico	12/31/2016	Mayor Philip Levine	12/31/2016
Omar	Caiola	Other	12/31/2016	Mayor Philip Levine	12/31/2021
Samantha	Bratter	Other	12/31/2016	Mayor Philip Levine	12/31/2021
Steven	Adkins	Other	12/31/2016	Mayor Philip Levine	12/31/2022

Applicants

Bernardo Collado
Charles Million
Christopher Todd
Dr. Andrew Nullman
Faye Goldin
Israel Sands
Joseph Hagen
Marjorie O'Neill-Buttler
Raymond Adrian
Rocio Sullivan

Applicants

Betsy Perez
Christopher Pace
Darin Feldman
Elizabeth Camargo
Gabriel Paez
Janet Horwitz
Laura Levey
Monica Fluke
Rebecca Boyce
Tamra Sheffman

Tiffany Heckler

Wesley Castellanos

Normandy Shores Local Government Neighborhood Improvement

Sec 34-175

Composition:

The Advisory Council shall be appointed by the Board of Directors (City Commission) and composed of three members of the Executive Committee of the Normandy Shores Homeowners Association. On behalf of the Board of Directors, the City Clerk shall solicit from the Executive Committee the eligibility list of its members for appointment consideration. The Advisory Council shall be composed of three (3) members of the Executive Committee of the Normandy Shores Homeowners Association, as per Resolution No. 97-22449 adopted July 2, 1997.

City Liaison: John Woodruff

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Brett	Harris		12/31/2016	City Commission	12/31/2022
Carmen	Browne		12/31/2016	City Commission	12/31/2022
John	Bowes		12/31/2016	City Commission	12/31/2018

Applicants

Gloria Salom

Applicants

Lori Nieder

Parks and Recreational Facilities Board

Sec. 2-171

Composition:

The Parks and Recreational Facilities Board shall be comprised of thirteen (13) voting members:

Seven (7) direct appointments made by the Mayor and each Commissioner.

Six (6) at-large appointments as follows:

Youth Center: Two (2) members having an affiliation with the City's youth centers, with one member affiliated with the Scott Rakow Youth Center, and one member with the North Shore Park Youth Center.

Golf: Two (2) members who have demonstrated a high degree of interest, participation and/or expertise in the sport of golf.

Tennis: Two (2) members who have demonstrated a high degree of interest, participation and/or expertise in the sport of tennis.

Members of the board shall demonstrate interest in the City's parks and recreational facilities and programs through their own participation or the participation of a member of their immediate family. Consideration should also be given to individuals who have special knowledge or background related to the field of parks and recreation.

City Liaison: Elizabeth Valera

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Carolina	Jones		12/31/2017	Commissioner Michael Grieco	12/31/2023
Chris	Growald	Tennis	12/31/2016	City Commission	12/31/2021
Dana	Turken	Scott Rakow Youth Center	12/31/2017	City Commission	12/31/2019
David	Berger	Tennis	12/31/2017	City Commission	12/31/2019
Eliane	Soffer-Siegel		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Jenifer	Caplan	Golf	12/31/2017	City Commission	12/31/2019
Jonathan	Groff		12/31/2017	Commissioner John Alemán	12/31/2017
Lee	Zimmerman		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Lori	Nieder		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Paul	Stein		12/31/2016	Mayor Philip Levine	12/31/2021
Robert	Gonzalez		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Stephanie	Rosen	No. Shore Park Youth Center	12/31/2016	City Commission	12/31/2019
Wil	Martinez	Golf	12/31/2016	City Commission	12/31/2021

Applicants

Beverly Heller
Bruce Bennett
Caitlin Pomerance
Daniel Nagler
Eneida Mena
Isaiah Mosley
Joseph Conway
Leslie Graff
Mark Balzli

Applicants

Brett Harris
Bruce Reich
Christopher Todd
Dara Schoenwald
Ian Bacheikov
Jackson Keddell
Joseph Hagen
Lindsay Genet
Mary Keinath

Boards and Committees Current Members

Mojdeh Khaghan

Nawaz Gilani

Suely Suchodolski

Wesley Castellanos

Nancy Bernstein

Samuel Rabin, Jr.

Tiffany Heckler

Boards and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7th vote:

1. Six (6) of which shall be citizens of Miami Beach not in the employment of the City, each having a different vocation;
2. Three (3) regular employees of the City of Miami Beach, to be elected by the probationary and regular employees of the City and who shall be elected from the employees of regular status in the respective groups:

Group I shall consist of the employees of the Police Department, Fire Department and Beach Patrol Department;

Group II shall consist of employees who are in clerical and executive positions;

Group III shall consist of all other employees,

The Personnel Director is a non-voting member.

City Liaison: Sylvia Crespo-Tabak

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Florencia	Jimenez-Marcos		12/31/2016	City Commission	12/31/2021
Isabel Ivette	Borrello		12/31/2017	City Commission	12/31/2019
Lori	Gold		12/31/2016	City Commission	12/31/2018
Matthew	Krieger		12/31/2017	City Commission	12/31/2019
Michael	Barrineau		12/31/2017	City Commission	12/31/2021
Mojdeh	Khaghan TL		12/31/2016	City Commission	12/31/2016
Sylvia	Crespo-Tabak	Human Resources Director			
Alex	Bello	Group I	07/31/2017		
Eduardo	Carranza	Group II	07/31/2016		
Evette	Phillips	Group III	07/31/2018		

Applicants

Christine Butler
Elsa Orlandini
Mary Keinath
Nancy Wolcott

Applicants

Eliane Soffer-Siegel
Joseph Landesman
Michael Perlmutter
Richard Preira

Planning Board

Sec. 118-51

Composition:

Two (2) year term appointed by a minimum of four (4) votes.

Seven (7) regular voting members shall have considerable experience in general business, land development, land development practices or land use issues; however, the board shall at a minimum be comprised of:

1. One architect registered in the State of Florida; or a member of the faculty of a school of architecture in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a landscape architect registered in the state of Florida; or a professional practicing in the fields of architectural or urban design, or urban planning;
2. One developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States;
3. One attorney licensed to practice law in the State of Florida who has considerable experience in land use and zoning issues;
4. One person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:
 - a. Has earned a college degree in historic preservation;
 - b. Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or
 - c. Is recognized by the city commission for contributions to historic preservation, education or planning; and
5. Three (3) persons who are citizens at-large or engaged in general business in the City.

No person except a resident of the City, who has resided in the City for at least one year shall be eligible for appointment to the Planning Board. The City Commission may waive the residency requirements by a 5/7th vote in the event a person not meeting these requirements is available to serve on the Board and is exceptionally qualified by training and/or experience.

City Liaison: Michael Belush

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Brian	Elias	General Business	12/31/2017	City Commission	12/31/2019
Jack	Johnson	Historic Preservation	12/31/2016	City Commission	12/31/2018
Jeffrey	Feldman	Developer	12/31/2017	City Commission	12/31/2019
Mark	Meland	Attorney	12/31/2017	City Commission	12/31/2021
Randolph	Gumenick	General Business	12/31/2017	City Commission	12/31/2019
Reagan	Pace	General Business	12/31/2016	City Commission	12/31/2020
Roberto	Rovira	Faculty of a School of Architecture	12/31/2016	City Commission	12/31/2020

Applicants

Aaron Davis
 Andres Asion
 Christine Florez
 Daniel Veitia
 David Wieder
 Dominique Bailleul
 Ian Bacheikov
 Jared Galbut
 Jeffrey Cohen
 Kirk Paskal
 Marina Novaes
 Mark Meland
 Michael Steffens

Applicants

Andres Asion
 Brian Ehrlich
 Daniel Hertzberg
 David Smith
 David Kahn
 Ian Bacheikov
 James Silvers
 Jared Galbut
 Jonathan Fryd
 Madeleine Romanello
 Mark Alhadeff
 Marvin Weinstein
 Muayad Abbas

Boards and Committees Current Members

Nelson Fox

Richard Baron

Robert Rabinowitz

Ruben Conitzer

Suzanne Hollander

Noah Fox

Robert Sena

Roger Shields

Seth Frohlich

Police/Citizens Relations Committee

Sec. 2-190.36

Composition:

The Committee shall consist of fourteen (14) voting members. The members shall be direct appointments with the Mayor and City Commissioners each making two (2) individual appointments.

As per Sec. 2-190.40, the voting members of the Committee shall have knowledge of and interest in Police Community Relations and their impact on the City of Miami Beach. Recommendation for appointment to all voting and nonvoting membership selected by the Mayor and Commission shall be encouraged to be obtained from the Spanish-American League Against Discrimination (S.A.L.A.D.); the League of United Latin American Citizens (L.U.L.A.C.); the Anti-Defamation League (A.D.L.); the Dade Action Pact; the National Association for the Advancement of Colored People (N.A.A.C.P.); the League of Women Voters and the other organizations deemed appropriate.

City Liaison: Chief Daniel Oates

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Adam	Kravitz		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Bruce	Reich		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Claire	Warren		12/31/2016	Commissioner Michael Grieco	12/31/2021
Daniel	Aronson		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Jack	Benveniste		12/31/2017	Commissioner Joy Malakoff	12/31/2023
John	Kanter		12/31/2017	Mayor Philip Levine	12/31/2022
Leslie	Coller		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Meryl	Wolfson		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Michael	Perlmutter		12/31/2016	Commissioner Michael Grieco	12/31/2020
Monica	Fluke		12/31/2017	Mayor Philip Levine	12/31/2023
Pamela	Brumer		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Richard	Hull		12/31/2016	Commissioner John Alemán	12/31/2023
Steve	Berke		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Steven	Oppenheimer		12/31/2017	Commissioner John Alemán	12/31/2017

Applicants

Alan Nieder
 Antonio Hernandez Jr.
 Daniel Nagler
 Eric Lawrence
 Francis Trulleneue
 Hicham Moujahid
 Jarred Reiling
 Jordan Nadel
 Joyce Garret
 Larry Colin
 Lee Zimmerman
 Leslie Coller

Applicants

Allison Stone
 Clare McCord
 Deborah Ruggiero
 Eugenio Cabreja
 Heather Davis
 Ian Bacheikov
 Jill Shockett
 Joseph Hagen
 Kenny Swartz
 Lawrence Raab
 Leif Bertrand
 Lisett Fernandez

Boards and Committees Current Members

Lori Gold

Marjorie O'Neill-Buttler

Michael Ritger

MICHAEL BERNSTEIN

Oren Reich

Rachel Schuster

Richard Preira

Tiva Leser

Mario Coryell

Melissa Sheppard-Broad

Michael Bernstein

Nawaz Gilani

Prakash Kumar

Rafael Leonor

Stephen Fox, Jr.

Zeiven Beitchman

Boards and Committees Current Members

Production Industry Council

Sec. 2-71

Composition:

The Council shall consist of seven (7) voting members. The Mayor and each Commissioner shall make one direct appointment. All regular members shall have knowledge of the fashion, film, news media, production, television and or recording industries of the City.

Each of the six (6) industries shall be represented by at least one member, but no more than three (3) members, who are directly involved with that industry.

City Liaison: Graham Winick

Vacancy:

To replace Bruce Orosz	Fashion	12/31/2015	Commissioner Ricky Arriola	12/31/2015
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Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Tom	Musca	TV/Film	12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Aleksandar	Stojanovic	Production	12/31/2016	Mayor Philip Levine	12/31/2021
Belkys	Nerey	Production	12/31/2017	Commissioner John Alemán	12/31/2018
Daniel	Davidson	Fashion	12/31/2016	Commissioner Michael Grieco	12/31/2021
Ellen	Marchman	News Media	12/31/2016	Commissioner Joy Malakoff	12/31/2022
Joanna-Rose	Kravitz	Recording Industry	12/31/2017	Commissioner Micky Steinberg	12/31/2021

Applicants

Bruce Orosz
Francis Trullenue
Pamela Brumer
Samantha Bratter

Applicants

Elizabeth DiBernardo
Joseph Landesman
Peter Matos
Thomas Musca

Sustainability Committee

2008-3618

Composition:

The Committee shall consist of seven (7) voting members, one each to be directly appointed by the Mayor and each City Commissioner. A Commissioner appointed by the Mayor, shall serve as a non-voting member and shall serve as the Chairperson of the Committee.

The purpose of the Committee is to provide guidance and advice with regard to the City's efforts to provide and promote general environmental improvement trends, or "Green Initiatives," and "Sustainable Development," which is herein defined as a pattern of resource use that aims to meet community needs while preserving the environment so that these needs can be met, not only in the present, but in the indefinite future.

The Committee shall make advisory recommendations to the City Commission and the City Manager to promote Citywide Green Initiatives and to promote and provide plans for Sustainable Development in the City of Miami Beach.

City Liaison: Elizabeth Wheaton

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Cheryl	Jacobs		12/31/2016	Commissioner Joy Malakoff	12/31/2021
David	Doebler		12/31/2017	Commissioner Micky Steinberg	12/31/2020
Michael	De Filippi		12/31/2016	Commissioner Ricky Arriola	12/31/2021
Nancy	Bernstein		12/31/2017	Mayor Philip Levine	12/31/2023
Richard	Conlin		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Scott	Diffenderfer		12/31/2017	Commissioner John Alemán	12/31/2023
Steve	Vincenti		12/31/2016	Commissioner Michael Grieco	12/31/2021

Applicants

Amy Rabin
Beth Butler
Bruce Bennett
Glenn Scott Diffenderfer
Isaiah Mosley
Jenifer Caplan
Leslie Coller
Richard Comisky
Robert Rabinowitz
Walker Burttschell

Applicants

Andrea Travaglia
Brian Gilderman
Caitlin Pomerance
Glenn Scott Diffenderfer
Janet Horwitz
John Lee
Marivi Iglesias
Richard Comisky
Russell Hartstein
Yael Sade

Boards and Committees Current Members

Transportation, Parking, Bicycle-Pedestrian Facilities Committee

Sec. 2-190.91

Composition:

The Committee shall consist of fourteen (14) voting members.

The Mayor and City Commissioners shall each make one (1) direct appointment, with the other seven (7) members of the Committee to be composed of members from the following community organizations, each of which must designate a permanent coordinating representative:

1. Miami Beach Chamber of Commerce's Transportation and Parking Committee (MBCC);
2. Miami Beach Community Development Corporation (MBCDC);
3. Ocean Drive Association (ODA);
4. Miami Design Preservation League (MDPL);
5. North Beach Development Corporation (NBDC);
6. Mid-Beach Neighborhood or Business Association (MBNBA);
7. Lincoln Road Marketing, Inc. (LRMI).

On an annual basis, the members of the Committee shall elect a Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Committee. Seven (7) members of the Committee shall consist of a quorum of the Committee and shall be necessary in order to take any action.

The members of the voting Committee shall have knowledge of and interest in transportation and parking and their impact on the City. The members designated by their respective community organization shall provide a letter from such organization certifying that designation to the City Clerk.

City Liaison: Saul Frances

Vacancy:

Vacant	Member Lincoln Road Marketing Inc.	12/31/2016		
To replace Seth Wasserman TL		12/31/2015	Commissioner Michael Grieco	12/31/2016
To replace Mark Weithorn	Member No.Beach Development Corp.	12/31/2016		

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Al	Feola	Member Ocean Drive Association	12/31/2016		
David	Mardini		12/31/2016	Mayor Philip Levine	12/31/2022
Deborah	Ruggiero		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Del	Fruit	Member Mid-Beach Neighborhood or Bus Assc.	12/31/2017		
J.P.	Morgan		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Jo	Asmundsson	Member MBCDC	12/31/2016		
Leif	Bertrand		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Madeleine	Romanello	Member MBCC	12/31/2016		
Marc	Edelstein		12/31/2017	Commissioner John Alemán	12/31/2023
Ray	Breslin		12/31/2017	Commissioner Joy Malakoff	12/31/2021
William "Bill"	Hahne	Member MDPL	12/31/2016		

Applicants

Aaron Davis
Allison Stone
Dara Schoenwald

Applicants

Adam Kravitz
Beth Emerson
Eric Montes de Oca

Boards and Committees Current Members

Gia Kastelic
Ian Bacheikov
Jared Plitt
Jonathan Beloff
Lila Imay
Ilor Ileser
Marina Aviles
Michael Ritger
Rafael Leonor
Robert Lopez
Yael Sade

Ian Bacheikov
Janie Hayes
Jeff Cynamon
Kenny Swartz
Lindsay Genet
Lisa Almy
Mayela Mueller
Nancy Bernstein
Richard Conlin
Suely Suchodolski

Visitor and Convention Authority

Sec. 102-246

Composition:

Two (2) year term appointed by a minimum of four (4) votes.

Seven (7) members who shall be permanent residents of Miami-Dade County.

The seven (7) members of the authority shall be representative of the community as follows:

1. Not less than two (2) nor more than three (3) members shall be representative of the hotel industry;

2. The remaining members, none of whom shall be representative of the hotel industry, shall represent the community at-large.

Any member of the Authority or employee thereof violating or failing to comply with provisions of this article shall be deemed to have vacated his office or position.

City Liaison: Grisette Roque

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Aaron	Perry TL	At-Large	12/31/2016	City Commission	12/31/2016
Adrian	Gonzalez	At-Large	12/31/2017	City Commission	12/31/2019
Daniel	Hertzberg	At-Large	12/31/2017	City Commission	12/31/2019
Jeff	Lehman	Hotel Industry	12/31/2016	City Commission	12/31/2021
Margaret (Peggy)	Benua	Hotel Industry	12/31/2016	City Commission	12/31/2017
Stephen	Hertz	At-Large	12/31/2017	City Commission	12/31/2019
Tim	Nardi	Hotel Industry	12/31/2017	City Commission	12/31/2019

Applicants

Charles Million
Craig Smith
Heather Davis
Jeff Lehman
Jonathan Beloff
Kristen Rosen Gonzalez
Mark Tamis
Roger Shields
Steven Adkins

Applicants

Christy Farhat
Dona Zemo
Jared Galbut
Jeffrey Graff
Josephine Pampanas
Laurence Herrup
Matthew Krieger
Seth Feuer

City Commission Committees

Finance & Citywide Projects Committee

Position	Name	Appointed by
Chair	Ricky Arriola	Mayor Levine
Vice-Chair	Commissioner Joy Malakoff	Mayor Levine
Member	John Alemán	Mayor Levine
Alternate	Commissioner Micky Steinberg	Mayor Levine
Liaison	John Woodruff	

Land Use & Development Committee

Position	Name	Appointed by
Chair	Commissioner Joy Malakoff	Mayor Levine
Vice-Chair	Commissioner Michael Grieco	Mayor Levine
Member	John Alemán	Mayor Levine
Alternate	Mayor Philip Levine	Mayor Levine
Liaison	Thomas Mooney	

Neighborhood/Community Affairs Committee

Position	Name	Appointed by
Chair	Commissioner Michael Grieco	Mayor Levine
Vice-Chair	Commissioner Micky Steinberg	Mayor Levine
Member	Kristen Rosen Gonzalez	Mayor Levine
Alternate	John Alemán	Mayor Levine
Liaison	Daphne Saba	

Sustainability and Resiliency Committee

Position	Name	Appointed by
Chair	Commissioner Micky Steinberg	Mayor Levine
Vice-Chair	Ricky Arriola	Mayor Levine
Member	Kristen Rosen Gonzalez	Mayor Levine
Alternate	Commissioner Joy Malakoff	Mayor Levine
Liaison	Elizabeth Wheaton	

NON-CITY COMMISSION COMMITTEES

Mayor Philip Levine

- Miami-Dade Metropolitan Planning Organization
- U.S. Conference of Mayors

Commissioner Micky Steinberg

- Director of Miami-Dade County League of Cities

Commissioner Kristen Rosen Gonzalez

- Alternate Director of Miami-Dade County League of Cities

Commissioner Joy Malakoff

- FIU Wolfsonian Advisory Board
- Miami-Dade County Homeless Trust Board

Barbara Herskowitz and Christine Gudaitis

- Public Library Advisory Board

Commissioner Ricky Arriola, Richard Milstein and Larry Colin

- The Adrienne Arsht Center for the Performing Arts Center Trust

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Rafael E. Granado, City Clerk



DATE: February 10, 2016

SUBJECT: **BOARD AND COMMITTEE APPOINTMENTS – CITY COMMISSION APPOINTMENTS**

ADMINISTRATION RECOMMENDATION

Make appointments as indicated.

ANALYSIS

The applicants that have filed with the Office of the City Clerk for the below At-Large appointments are included in item R9A.

BOARD AND COMMITTEES

1. AFFORDABLE HOUSING ADVISORY COMMITTEE

VACANCIES (6):

- One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- One citizen actively engaged as an advocate for low-income persons in connection with affordable housing.
- One citizen who actively serves on the local planning agency pursuant to Florida Statute §163.3174 (Planning Board member).
- One citizen who represents essential services personnel, as defined in the local housing assistance plan.
- One citizen who represents employers within the jurisdiction.

2. BUDGET ADVISORY COMMITTEE

VACANCY (1):

- One Certified Public Accountant.

3. HEALTH ADVISORY COMMITTEE

VACANCIES (3):

- One member shall be administrator from an Adult Congregate Living Facility (ACLF), and/or an Assisted Living Facility (ALF).
 1. Anthony Japour (possible reappointment)
- One member shall be a health benefits provider.
 1. Dr. Todd Narson (possible reappointment)
- One individual from the corporate level.
 1. Richard Awdeh (possible reappointment)

4. MIAMI BEACH HUMAN RIGHTS COMMITTEE

VACANCY (1):

- To be appointed At-Large:
 1. Walker Burttschell (possible reappointment)

Please see the "Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda Archives website is located at: <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=82117>; thereafter choose the first listed Commission meeting and click on City Commission At-Large Nominations.

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the City Clerk section, located on the bottom right hand side of the webpage, click on the "Agenda Archives" link; thereafter choose the first listed Commission meeting and click on City Commission At-Large Nominations.

R9 - New Business and Commission Requests

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

AGENDA ITEM R9B1-2
DATE 2-10-16

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Micky Steinberg, Commissioner

DATE: February 2, 2016

SUBJECT: Agenda item for the February 10, 2016 Commission Meeting

Please add to the February 10, 2016 Commission Agenda a discussion regarding the restoration of the damaged portion of the "Great Spirit" statue located on the traffic island between Pine Tree Drive and Flamingo Drive on 40th street.

If you have any questions please do not hesitate to call our office.

Thank you.

Tathiane Trofino

On behalf of Commissioner Steinberg

MIAMIBEACH

Commissioner Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7103 / Fax: 305-673-7096 / www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

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R9 - New Business and Commission Requests

- R9D Discussion Regarding A Public Piano Program.
(Sponsored by Commissioner Michael Grieco)

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Granado, Rafael

From: Grieco, Michael
Sent: Thursday, January 14, 2016 7:18 AM
To: Granado, Rafael
Subject: February Agenda Item

RG, please add the following item to the February Commission agenda and include this email in the agenda packet:

Discussion for policy direction regarding conditional use requirements for “DJs” playing music at “ambient” levels.

It is my understanding that up to and including 2013, “DJs” playing background music in hotels, restaurants etc did not require a CU per correspondence from the previous Planning Director. How and why there was any change in policy is unknown to me, as I am unaware as to any proliferation of problematic establishments in this regard nor am I aware of any policy direction from elected officials. Many restaurants and hotels have a visible “DJ” to enhance the atmosphere of whatever experience intended without negative impact on adjacent areas/residents.

The focus should be on volume, not where/from whom the volume is necessarily coming from. Whether it be vinyl records, or a computer, or a smartphone, whether or not someone is actively changing or mixing the music is much less relevant than the volume and obviously whether or not the closing time is compatible with the adjacent properties/neighborhood. If a restaurant has a DJ playing music at ambient levels, but they close at midnight why would it need a CU when another one open until 2/3/4/5 can just blast music from online streaming services or a pre-mixed list? I wish to discuss this matter on the dais to receive clarification from my colleagues as to whether or not this is a road we should be traveling down and also discuss the bigger issue of staff dictating policy without direction from the Commission. Please raise this item as a related item to the Alcohol Ordinance Amendment that will be on for first reading. Thank you.

MIAMI BEACH

MICHAEL GRIECO, Commissioner

1700 Convention Center Drive
Miami Beach, FL 33140

Tel: 305-673-7204 | Fax: 305-673-7096
michaelgrieco@miamibeachfl.gov

SIGN UP FOR OUR NEWSLETTER [HERE](#)

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Cardillo, Lilia

From: Granado, Rafael
Sent: Wednesday, January 20, 2016 8:25 PM
To: Cardillo, Lilia
Subject: Fwd: February agenda
Attachments: image001.jpg; ATT00001.htm; Dania Beach, FL Code of Ordinances.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Grieco, Michael" <MichaelGrieco@miamibeachfl.gov>
Date: January 20, 2016 at 8:22:28 PM EST
To: "Granado, Rafael" <RafaelGranado@miamibeachfl.gov>
Subject: February agenda

Please place on agenda:

Discussion item and referral to Land Use Committee Regarding CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment

Please include this email and the attached Dania Beach Ordinance with the item

Sec. 19-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant. An individual or business entity desiring to operate a medical marijuana retail center within the city limits.

Business operating name. The legal or fictitious name under which a medical marijuana retail center conducts its business with the public.

Employee. A person authorized to act on behalf of the medical marijuana retail center, whether that person is an employee or a contractor, and regardless of whether that person receives compensation.

Identification tag. A tamperproof card issued by the city to the persons involved with a medical marijuana retail center as evidence that they have passed the background checks and other requirements of this chapter and are authorized to be present on the premises.

Marijuana. Any strain of marijuana or cannabis, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana."

Medical marijuana permit. A permit issued by the city pursuant to this chapter authorizing a business to sell marijuana in the city. Also referred to as "permit."

Medical marijuana retail center. A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana or marijuana product, and does not allow on-site consumption of marijuana. A medical marijuana treatment center shall not be construed to be a medical marijuana retail center.

Medical marijuana treatment center. Any facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer marijuana, products containing marijuana, related supplies, or educational materials, as authorized by state law. A medical marijuana treatment center may include retail sales or dispensing of marijuana. A facility which provides only retail sales or dispensing of marijuana shall not be classified as a medical marijuana treatment center under this chapter. Also may be referred to as a "medical marijuana treatment facility" or "dispensing organization" or other similar term recognized by state law.

Owner. Any person, including any individual or other legal entity, with a direct or indirect ownership interest of five (5) percent or more in the applicant, which interest includes the possession of stock, equity in capital, or any interest in the profits of the applicant.

Premises. The building, within which a medical marijuana retail center is permitted to operate by the city, including the property on which the building is located, all parking areas on the property or that are utilized by the medical marijuana retail center and sidewalks and alleys within one hundred (100) feet of the property on which the medical marijuana retail center is located.

Qualified registered patient/qualified patient. A resident of the State of Florida who has been added to the state's compassionate use registry by a physician licensed under F.S. Ch. 458 or Ch. 459, to receive medical marijuana from a dispensing organization or medical marijuana treatment center or similar use as defined in Florida Statutes.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-2. - Medical marijuana permit and identification tag required.

- (1) It shall be unlawful for any business or person to operate a medical marijuana retail center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the premises within the city without first obtaining a medical marijuana permit.
- (2) Each person employed in the conduct of such activity shall be screened and approved pursuant to this chapter and required to obtain an identification tag before the medical marijuana retail center opens for business or, for persons who become involved with the center after it is open, before having any involvement in center's activities.
- (3) No medical marijuana permit or identification tag shall be transferable; each person must obtain a medical marijuana permit or identification tag directly from the city.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-3. - Applications for permit; investigation and issuance; term.

- (1) Applications for a medical marijuana permit shall be made by the applicant in person to the city clerk during regular business hours upon such forms and with such accompanying information as may be established by the city. Such application shall be sworn to or affirmed. Every application shall contain at least the following:
 - (a) The business operating name and all applicant and owner information. If the applicant or owner is:
 1. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;
 2. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership);
 3. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida;

4. The addresses required by this section shall be physical locations, and not post office boxes. The name, home address, and business address of the applicant and the name and an address of all owner(s), if any, other than the applicant. The addresses required by this section shall be physical locations, and not post office boxes.
- (b) A complete copy of the business' application to the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a medical marijuana treatment center.
- (c) A statement as to whether the applicant or any owner or employee has previously received a medical marijuana permit or identification tag from the city.
- (d) A statement as to whether the applicant or any owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.
- (e) A statement as to whether the applicant or any owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the permit or license was suspended or revoked, as well as the date of the suspension or revocation.
- (f) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.
- (g) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.
- (h) A statement as to whether or not the applicant or any owner or employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (i) A statement as to whether or not the applicant or any owner or employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (j) A statement as to whether or not the applicant or any owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.
- (k) Written documentation that the applicant, every owner, and each employee has successfully completed level 2 background screening within the year.
- (l) A passport photograph of the applicant, every owner, and each employee.
- (m) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.
- (2) *Rejection of application.* In the event the city determines that the applicant has not satisfied the application requirements for a proposed medical marijuana retail center, the applicant shall be notified of such fact; and the application shall be denied.
- (3) *Fees.* In addition to demonstrating compliance with this article, the applicant shall pay a nonrefundable application fee in an amount established by resolution of the city commission for each applicant, each owner, and each employee to cover its administrative costs and expenses incurred in reviewing and

administering the permit and identification tag program, irrespective of the issuance or denial of the application. Each applicant shall also pay an annual nonrefundable, nonproratable permit fee in an amount established by resolution of the city commission before receiving a medical marijuana permit.

(4) *Application review.*

- (a) *Investigation.* The city shall refer the application to the chief of police, who shall review the application and documentation provided, and conduct a background screening of the applicant, each owner and employee. Upon receipt of the appropriate documentation, the chief of police shall forward the information and application to the city manager, together with any recommendations and other relevant information from the files regarding the applicant.
- (b) *City manager determination.* Upon receipt of such material from the chief of police, the city manager shall, within thirty (30) days, either:
 - 1. Notify the applicant that the permit has been denied and the reason for such denial; or
 - 2. Issue a permit, with or without conditions.
- (c) *Duration.* Permits shall be issued for a one-year period for a term commencing October 1 or the date of issuance, and ending the following September 30.
- (d) *Denial.* The city shall deny an applicant's application for a medical marijuana permit if:
 - 1. The applicable permit or licensing fees have not been paid in full;
 - 2. The application violates or fails to meet the provisions of this Code, any building, fire or zoning code, statute, ordinance, or regulation;
 - 3. The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the applicant owns, possesses, operates and exercises control over the proposed or existing medical marijuana retail center is a material representation for purposes of this section;
 - 4. The applicant or any owner has a permit or license under this Code, or has had a permit or license under this Code, which has been suspended or revoked;
 - 5. The granting of the application would violate a statute or ordinance, or an order from a court of law that prohibits effectively the applicant from obtaining a medical marijuana permit;
 - 6. The applicant, an employee, or any owner has been convicted of fraud or felony by any state or federal court within the past five (5) years or less than five (5) years has elapsed since the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - 7. The applicant, an employee, or any owner has obtained any governmental permit by fraud or deceit.
- (e) *Background checks, photograph and identification tag.* In connection with the issuance of a medical marijuana permit by the city, the chief of police shall, upon verification of successful level 2 background screening, cause an identification tag to be issued to each approved applicant for a permit as well as for each owner and each employee. on the face of each identification tag, there shall be placed the following:
 - 1. A photograph of the applicant/owner/employee;
 - 2. The permit number;
 - 3. The permit holder's name and address;

4. The name and address of the medical marijuana retail center that the applicant/owner/employee represents or is employed by; and
 5. The expiration date of the permit.
- (f) *Reapplication.* If a person applies for a medical marijuana permit at a particular location within a period of one (1) year from the date of denial of a previous application for a medical marijuana permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.
- (g) *Renewal.* Medical marijuana permits shall be entitled to renewal annually subject to the provisions of this chapter. Before the October 1 expiration date, the annual medical marijuana permit may be renewed by presenting the permit for the previous year, and:
1. Paying the appropriate permit fee;
 2. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
 3. Providing proof of continued compliance with all state and city licenses, operational and zoning requirements.
- (h) *Permit transferability.*
1. The medical marijuana permit is specific to the applicant and the location and shall not be transferred.
 2. An attempted transfer of a medical marijuana permit either directly or indirectly in violation of this section is hereby declared void, and in that event the medical marijuana permit shall be deemed abandoned, and the medical marijuana permit shall be forfeited.
- (i) *Violation of regulations.* In the event of a Code violation, violation of the conditions of the medical marijuana permit or special exception approval, or other violation of the laws applicable to the medical marijuana retail center, the city shall issue a warning notice and the applicant shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the city.
- (j) *Illegal transfer.* If a medical marijuana permit is transferred contrary to this chapter, the city shall suspend the medical marijuana permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this chapter have been satisfied and a new medical marijuana permit has been issued by the city.
- (k) *Grounds for revocation.* Any medical marijuana permit issued under this article shall be revoked if any one or more of the following occurs:
1. The applicant provides false or misleading information to the city;
 2. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any marijuana or marijuana product to an individual or entity not authorized by state law to receive such substance or product;
 3. The applicant, an owner or a manager is convicted of a felony offense;
 4. Any applicant, owner, manager or employee is convicted of any drug-related crime under Florida Statutes;
 5. The applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the city manager within twenty (20) days of citation;
 - 6.

The applicant fails to correct any state law violation or address any warning in accordance with any corrective action plan required by the state within the timeframes and completion date the applicant provided to the city;

7. The applicant's state license or approval authorizing the dispensing of medical marijuana expires or is revoked; or
8. Any special exception approval granted by the city for the use of a medical marijuana retail center at a particular location expires or is revoked.

(l) *Revocation.* In the event the city determines there are grounds for revocation as provided in this chapter, the city shall notify the permittee of the intent to revoke the medical marijuana permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this chapter. If the permittee fails to show compliance with this chapter within ten (10) business days, the city shall schedule a hearing before the special magistrate. If the special magistrate determines that a permitted medical marijuana retail center is not in compliance with this chapter the city shall revoke the medical marijuana permit and shall notify the permittee of the revocation. nothing in this section shall take away other enforcement powers of the special magistrate or any other agency provided by the Code or statute.

(m) *Effect of revocation.*

1. If a medical marijuana permit is revoked, the permittee shall not be allowed to obtain another medical marijuana permit for a period of two (2) years, and no medical marijuana permit shall be issued during that time period to another applicant for the location and premises upon which the medical marijuana retail center was situated.
2. The revocation shall take effect fifteen (15) days, including Saturdays, Sundays, and holidays, after the date the city mails the notice of revocation to the permittee or on the date the permittee surrenders his or her medical marijuana permit to the city, whichever occurs first.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-4. - General requirements.

Each medical marijuana retail center shall observe the following general requirements:

- (1) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (2) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (3) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (4) Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the City Land Development Code;
- (5) Keep the original of the medical marijuana permit posted in a conspicuous place at the premises at all times, which medical marijuana permit shall be available for inspection upon request at all times by the public.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-5. - Medical marijuana permit operation requirements.

Any business operating under a medical marijuana permit shall comply with the following operational guidelines.

- (1) *Hours of operation.*
 - a. Operation is permitted only between the hours of [8:00 a.m. and 5:00 p.m. Monday through Saturday].
 - b. No operation is permitted on Sundays or state or federal holidays.
- (2) *On-site consumption of marijuana.* No medical marijuana retail center shall allow any marijuana to be smoked, ingested or otherwise consumed on the premises. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume marijuana on the premises.
- (3) *Alcohol prohibited.* No medical marijuana retail center shall allow the sale, service, or consumption of any type of alcoholic beverages on the premises including in the surrounding rights-of-way. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall consume an alcoholic beverage on the premises, including the surrounding rights-of-way.
- (4) *Outdoor activity.* There shall be no outdoor displays, sales, promotions, or activities of any kind permitted on the premises, including the surrounding rights-of-way. All activities and business shall be conducted within the confines of the permanent building containing the medical marijuana retail center.
- (5) *On-site storage.* There shall be no on-site storage of any form of marijuana or marijuana product, except as reasonably necessary for the conduct of the medical marijuana retail center's on-site business.
- (6) *Live plant materials.* No living marijuana plants are permitted on the site of a medical marijuana retail center.
- (7) *Maintenance of premises.* A medical marijuana retail center shall actively remove litter at least twice each day of operation on the premises, from the premises, the area in front of the premises, from any parking lot used by its patrons, and, if necessary, from public sidewalks or rights-of-way within one hundred (100) feet of the outer edge of the premises used by its patrons.
- (8) *Garbage.* Refuse or waste products incident to the distribution of marijuana shall be destroyed on-site at least once every twenty-four (24) hours.
- (9) *Delivery.* All deliveries to the medical marijuana retail center shall be made during regular operating hours while on-site security personnel are present.
- (10) *Security.* With the application, the applicant shall submit a security plan demonstrating compliance with F.S. § 381.986, and all other applicable statutes and State administrative rules.
 - a. In addition to proving compliance with all state requirements, the security plan shall, at a minimum, provide the following:
 1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both in the premises and in the surrounding rights-of-way, including:
 - a. A silent security alarm that notifies the police department or a private security agency that a crime is taking place;
 - b. A vault, drop safe or cash management device that provides minimum access to the cash receipts; and

- c. A security camera system capable of recording and retrieving an image which shall be operational at all times during and after business hours. The security cameras shall be located:
 - (i) At every ingress and egress to the dispensary, including doors and windows;
 - (ii) On the interior where any monetary transaction shall occur; and
 - (iii) At the ingress and egress to any area where medical marijuana is stored;
 - 2. Traffic management and loitering controls;
 - 3. Cash and inventory controls for all stages of operation on the premises, and during transitions and delivery.
 - 4. On-site armed security personnel during business hours.
 - b. The chief of police shall review the applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The chief may impose site and operational revisions as are deemed reasonably necessary for the health, safety and general welfare of the applicant, owner(s), employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the premises.
 - (c) Any instance of breaking and entering at a medical marijuana retail center, regardless of whether marijuana or marijuana-based products are stolen, shall constitute a violation of this chapter if the security alarm fails to activate simultaneous with the breaking and entering.
- (11) *Odor and air quality.* A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the medical marijuana retail center.
- (12) *Delivery vehicle identification.* For security purposes, no vehicle used in the operation of or for the business purposes of a medical marijuana retail center shall be marked in such a manner as to permit identification with the medical marijuana retail center.
- (13) *Signage.* Notwithstanding other provisions of the Code, signage for a medical marijuana retail center shall be limited as follows:
 - a. Graphics, logos and symbols shall be prohibited;
 - b. Neon shall be prohibited;
 - c. Signs shall not be internally illuminated;
 - d. Signs may be externally illuminated consistent with the requirements of section 505-30, only during hours of operation;
 - e. A medical marijuana retail center shall post, at each entrance to the medical marijuana retail center the following language:
 ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR CAREGIVER IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.

The required text shall be in letters one-half inch in height.

- (14) *On-site community relations contact.* The medical marijuana retail center shall provide the city manager, and all property owners and tenants located within one hundred (100) feet of the entrance to its premises, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours and after business hours to report operating problems. The medical marijuana retail center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police department or other city officials.
- (15) *Employment restrictions.* It shall be unlawful for any medical marijuana retail center to employ any person who:
- Is not at least twenty-one (21) years of age; and
 - Has not passed a level 2 background screening.
- (16) *Persons allowed to enter the premises.*
- Underage entry.* It shall be unlawful for any medical marijuana retail center to allow any person who is not at least eighteen (18) years of age on the premises during hours of operation, unless that person is authorized by state law to purchase medical marijuana, whether as a qualified patient with a valid identification card or primary caregiver or legal guardian of a qualified patient with a valid identification card.
 - Entry by persons authorized by state law.* It shall be unlawful for any medical marijuana retail center to allow any person on the premises during the hours of operation if that person is not authorized by state law to be there. Authorized persons, such as owners, managers, employees and qualified registered patients, their legal guardians, qualified registered caregivers must wear an identification tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her identification tag.
- (17) *Product visibility.* No marijuana or product of any kind may be visible from any window or exterior glass door.
- (18) *Sole business.* No business other than the dispensing of medical marijuana shall be permitted to be conducted from the premises.
- (19) *Loitering.*
- A medical marijuana retail centers shall provide adequate indoor seating for its customers, clients, patients and business invitees.
 - Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the center is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.
 - Pedestrian queuing or loitering at any time, including prior to business hours, outside of the center's building is prohibited.
- (20) *Compliance with state regulations and licensure requirements.* A medical marijuana retail center must comply with all federal and state laws, licensing and regulatory requirements.
- A medical marijuana retail center shall notify the city within five (5) business days of receipt of any notice of violation or warning from the state or of any changes to its state licensing approvals.
 -

If a medical marijuana retail center receives a notice of violation or warning from the state, it shall, no later than twenty (20) business days after receipt of the notice, provide a copy of the corrective action plan and timeframes and completion date to address the identified issues to the city.

- (21) *Prohibited activities.* A medical marijuana retail center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The preparation, wholesale storage, cultivation, or processing of any form of marijuana or marijuana product, and on-site consumption of any marijuana or marijuana product is specifically prohibited at a medical marijuana retail center. On-site storage of any form of marijuana or marijuana product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

(Ord. No. 2014-015, § 3, 10-28-14)

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R9 - New Business and Commission Requests

- R9G Discussion Regarding The Flamingo Park Project.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Legislative Tracking: Capital Improvement Projects)
(Originated from January 13, 2016 - R9U)

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R9 - New Business and Commission Requests

- R9H Proclamation To Be Presented To Robert Ravencraft, For Running 15,000 Consecutive Days.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Kristen Rosen Gonzalez, Commissioner

DATE: February 10, 2016

SUBJECT: Agenda item for the Feb. 10th Commission Meeting

I would like to add a discussion item regarding Fire Station 1.

Fire Station 1 is classified as a "Non-Contributing" structure. It was originally classified as such because it was built in 1967 and at the time of the district designation was not old enough to be considered 'Contributing'. Currently though, the Fire Station does meet the definition of a 'Contributing' building and is eligible to be reclassified by the HPB as such.

I would like to refer this item to the HPB for consideration.

Kristen Rosen Gonzalez

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Kristen Rosen Gonzalez, Commissioner

DATE: February 10, 2016

SUBJECT: Agenda item for the Feb. 10th Commission Meeting

I would like to add a discussion item about the creation of a single family home survey.

The initial request came on January 15, 2013, when the HPB Board passed a Resolution urging the Mayor and Commissioners to initiate the survey. On July 19, 2013, the City Commission referred the item to the Finance Committee. The Finance Committee discussed the item at their March 21, 2014 meeting.

I would like to re-introduce the possibility of a survey.

Kristen Rosen Gonzalez



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 034-2013

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: February 4, 2013

SUBJECT: Citywide Survey of Single Family Homes

Attached, please find a copy of a resolution pertaining to a citywide survey of all single family homes, which was adopted by the Historic Preservation Board at their January 15, 2013 meeting. The Board is urging the Mayor and City Commission of the City of Miami Beach to consider having the Administration undertake a comprehensive citywide survey of all single family residences, including documentation of the architectural characteristics and a summary of the significance of each residence.

The Administration recommends that the Commission refer this request to the Land Use and Development Committee for review and consideration.

RL WAC
JMG/JGG/RGL/WHC

C: Jorge G. Gomez, Assistant City Manager
Jose Smith, City Attorney
Gary Held, First Assistant City Attorney
Bob Parcher, City Clerk
Richard G. Lorber, Acting Planning Director

F:\PLAN\SALLICM_RESP\HPB Reso 2013 Single Family Home Survey.ltc.docx

RECEIVED
2013 FEB -6 AM 10:57
CITY CLERK'S OFFICE

**CITY OF MIAMI BEACH
HISTORIC PRESERVATION BOARD**

RESOLUTION

WHEREAS, the City of Miami Beach Historic Preservation Board is charged by Ordinance as serving in an advisory capacity to the City Commission and other City Boards on issues affecting the City's architecture, design, historic districts and structures; and

WHEREAS, the Historic Preservation Board strongly supports the efforts of the City to promote and enhance its unique social and architectural history and to improve the appearance of new construction; and

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the retention and preservation of existing, architecturally significant single family homes; and

WHEREAS, the City of Miami Beach Historic Preservation Board deems it appropriate to protect the significant architectural history, existing building scale, and unique character of the single family residential neighborhoods in Miami Beach; and

WHEREAS, the City of Miami Beach Historic Preservation Board has noted that there is currently insufficient documentation of the City's single family residences to fully understand their significance, and

WHEREAS, the City of Miami Beach Historic Preservation Board as well as many local residents have noted with alarm the increasing rate of total demolition of significant homes for replacement with much larger new homes.

THEREFORE, it is hereby resolved that the Historic Preservation Board urges the Mayor and City Commission to consider having the Administration undertake a comprehensive citywide survey of all single family residences, including the documentation of their architectural characteristics and a summary of the significance of each residence, for the purpose of creating a comprehensive single family residence data base while many of these homes still exist.

PASSED AND ADOPTED THIS 15th DAY OF January, 2013.



William H. Cary
Assistant Director of Planning
For the Historic Preservation Board



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 23, 2014

SUBJECT: REPORT OF THE SPECIAL FINANCE AND CITYWIDE
PROJECTS COMMITTEE MEETING ON MARCH 21, 2014

The agenda is as follows:

OLD BUSINESS

1. Discussion regarding the budget for police officers overtime

ACTION

The Committee recommended receiving a schedule from the budget department in reference to Police overtime as an attachment to the finance agenda. Assistant City Manager Kathie Brooks is to follow up with the City Manager regarding FDOT's contributions to the officers working overtime on the Alton Road project.

NEW BUSINESS

1. Discussion regarding proposed City Wide survey of Single Family Home Districts in order to determine the number of architecturally significant homes in the City

ACTION

The Committee recommended moving this item forward as a Budget recommendation for the upcoming fiscal year in which funds would be appropriated. This would be the creation of a comprehensive pilot program for Citywide surveying of single family homes into a database.

2. Discussion to support Miami-Dade County Public Schools Spanish Foreign Language initiative in which all Miami Beach Feeder Schools offer Spanish Foreign Language tracks to enable all interested Miami Beach students to take Spanish for High School credit in all Miami

Agenda Item C6C
Date 4-23-14



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 21, 2014

SUBJECT: **DISCUSSION REGARDING PROPOSED CITY WIDE SURVEY OF SINGLE FAMILY HOME DISTRICTS IN ORDER TO DETERMINE THE NUMBER OF ARCHITECTURALLY SIGNIFICANT HOMES IN THE CITY.**

BACKGROUND

On January 15, 2013, the Historic Preservation Board adopted a Resolution urging the Mayor and City Commission to consider having the Administration undertake a comprehensive citywide survey of all single family residences, including the documentation of their architectural characteristics and a summary of the significance of each residence, for the purpose of creating a comprehensive single family residence database.

On June 12, 2013, the Land Use and Development Committee recommended that the City Commission refer this proposal regarding a citywide survey of single family homes to the Finance and Citywide Projects Committee. On July 19, 2013, the City Commission referred a discussion item to the Finance and Citywide Projects Committee, regarding a citywide survey of single family homes.

On January 30, 2014, the Finance and Citywide Projects Committee discussed the item and continued the matter to a future meeting.

ANALYSIS

Over the past few years, staff has seen a significant increase in the number of total demolition requests for architecturally significant single family homes. In 2013 alone, demolition requests for 32 pre-1942 architecturally significant homes have been submitted to the Design Review Board. In 2012 there were 20 requests for total demolition and new construction, while only 21 such requests were submitted over the 7 year period from 2005 thru 2011, as shown below:

Year:	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Total Demolition proposed:	32	20	3	4	0	5	1	4	4

There are different methods to address this policy issue. One is to evaluate and consider the historic designation of individual single family homes and single family districts. This particular option, though, is highly time consuming and would require months, if not years, of study, discussion and resources, simply given the quantity of single family homes that would likely be eligible for designation.

A survey of the City's existing single family homes would be required in order to identify and evaluate residences that may potentially be eligible for individual historic designation or as 'Contributing' structures within an historic district. The total cost for such a

comprehensive survey can vary greatly, depending on the number of properties surveyed and the level of detail provided in the survey. The Administration has identified 3 potential different levels of surveys, as summarized below:

- Level One Survey:
 - A basic “windshield” type survey, with limited photographs taken from the street sufficient to record the primary façade(s) of the structure, original building permit information with date of permit, architect, builder, applicant/original owner, and also the style of the structure in conformance with the stylistic definitions customarily used in Miami Beach (if a style is discernible).
- Level Two Survey:
 - A survey which includes all of the elements in the aforementioned Level One survey and also requires access to the site and includes additional images and information, such as available microfiche of original plans, later major alterations/additions, current exterior design integrity of the original structure, and the observed general condition of the structure.
- Level Three Survey:
 - A comprehensive survey which, in addition to the elements of a Level Two survey, incorporates further analytical information, such as significant original exterior architectural features/materials which help define the style and/or period of construction and significance, contextual relationship with other structures in the immediate neighborhood area, and a preliminary opinion of whether the structure would satisfy 1) the City’s evaluation criteria for “architectural significance”, and 2) whether the structure would satisfy the City’s evaluation criteria for historic designation.

The Administration would suggest that any survey of the City’s single family homes be based upon prioritization of the levels of risk of total or near total loss and replacement of the existing homes. There are approximately 5,000 single family residences located within the city. Approximately 1,850 of the homes are located on waterfront lots. Planning Department staff has noted over the past year a significant increase in the number of applications to demolish and replace existing single family homes located on waterfront properties. Of the fifty-two (52) Design Review Board applications for the total demolition of pre-1942 architecturally significant homes in the past two years, thirty-two (32) homes were located on waterfront lots, which is approximately 62% of those applications. This trend represents a potential significant loss of the City’s signature architecturally significant waterfront residences.

Consequently, the Administration has determined that the greatest risk of loss of our existing single family residential building stock is along the City’s waterfronts, and the highest priority for survey and documentation for existing single family homes is along the City’s waterfronts. These areas include all of the Sunset Islands, the Venetian Islands, Star, Palm and Hibiscus Islands and La Gorce and Allison Islands, as well as properties located along the western side of North Bay Road, the eastern side of Pinetree Drive north of 41st Street, Flamingo Drive, and along the shorelines of Normandy Isles, Biscayne Point and Stillwater Point. Most recently this trend is beginning to continue into the North Beach residential single family communities along the waterfront.

The Administration would recommend that waterfront properties be the first and highest priority area identified for survey and that the initial survey should be a Level One survey, as specified above. This would require the survey of approximately 1865 properties and would yield a very important initial database enabling staff to evaluate which of these homes would satisfy the criteria for 1) individual historic designation as rare examples of their periods and style, 2) homes that would satisfy the criteria for historic designation as 'Contributing' structures within a locally designated historic district, and/or 3) which homes would satisfy the evaluation criteria at the lower standard of 'Architectural Significance' homes which would not be individually historically designated.

Based upon discussions with individuals who have done recent surveys of single family homes in the South Florida area, Planning Department staff believes there is a reasonable chance that a Level One, 'windshield' type, survey could be accomplished at a cost of approximately \$100 per property. This figure could vary however, dependent upon the number of properties to be surveyed, as well as the solicitation of three independent bids based upon a minimum number of properties to be surveyed. At a cost of \$100 per property, the cost of surveying 1,850 single family homes could be anticipated at being \$185,000. The Administration would recommend that this initial survey, as well as any later surveys, be coordinated and supervised by the Planning Department.

Upon the completion of the first phase of a survey of single family homes on waterfront parcels the Administration would recommend that a second phase survey be undertaken to include all inland properties located on the Sunset Islands, the Venetian Islands, Star, Palm and Hibiscus Islands and La Gorce and Allison Islands. These properties also seem to be commanding a higher level of attention recently in the real estate sector. The Administration believes these homes would be the second level of survey priority.

Upon the completion of the second phase, the Administration would recommend a third phase to include all inland properties along North Bay Road, Pinetree Drive, Flamingo Drive, and Alton Road south of 63rd Street.

Finally, the fourth survey phase should include all single family waterfront properties located in North Beach which, while currently lagging behind the development of the lower islands and North Bay Road will likely soon become the focus of real estate redevelopment as a consequence of their spectacular waterfront views, as well as a significant reduction in the availability of single family home waterfront sites south of 63rd Street.

The Administration has not yet had the opportunity to calculate the number of homes that would be surveyed in phases two, three or four, but believes it is first appropriate to receive policy guidance from the Finance and Citywide Projects Committee regarding the phase one survey.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Finance and Citywide Projects Committee provide appropriate policy direction.

JLM/JMJ/TRM/DJT

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: John Elizabeth Alemán, Commissioner
DATE: January 27, 2016
SUBJECT: Agenda item for February 10th, 2016 City Commission Meeting

Please place on the February 10th City Commission Meeting Agenda:

A discussion item that will authorize the Administration to create a Pilot Program for specifically designated residential zones/neighborhoods, and which will limit on-street parking spaces to only cars and trucks. The Pilot Program will be for a period of six months, and any extensions of the program will be extended at the discretion of the City Manager, should further evaluations be necessary.

The Administration will be required to develop a plan for converting those, to-be determined, spaces for scooter/motorcycle parking within these designated zones in order to accommodate those vehicle classes.

A resolution is accompanying this discussion item which will authorize this Pilot Program.

If you have any questions please do not hesitate to call our office at ext. 6473.

Thank you!

MIAMI BEACH

Commissioner John Elizabeth Alemán

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

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R9 - New Business and Commission Requests

R9L Discussion Regarding The Alton Road At 5th Street Flyover Aesthetics.
(Public Works)

Agenda Item R9L
Date 2-10-16

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R9 - New Business and Commission Requests

R9M Discussion On Agreement With MWW Group For Federal Lobbying Services.
(Sponsored by Mayor Philip Levine)

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R9 - New Business and Commission Requests

R9N Presentation By The School Board On Fienberg Fisher K-8 Center.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

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R9 - New Business and Commission Requests

- R90 Introduction Of University Of Cambridge Professor, Dr. Ariel Barak, Who Is Working With The Miami Beach Police Department On The Body Work Camera Grant/Multi-Year Study.

(Police)

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: John Elizabeth Alemán, Commissioner
DATE: February 3, 2016
SUBJECT: Agenda item for February 10th, 2016 City Commission Meeting

Please place on the February 10th City Commission Meeting Agenda:

A discussion item that will allow leniency in enforcement for deliveries and tourist bus disembarkation on Collins Avenue between 63rd and 75th Streets for a defined daily time window outside of normal "rush hour" periods (such as 9am – 3pm) while discussions for a more permanent solution are had.

Collins Avenue is a State Road. In the past there were parking spaces along Collins that were eliminated by FDOT to increase traffic flow on this important arterial road. There were no loading zones implemented, in spite of the fact that hotels and businesses along Collins that were pre-existing do not have adequate off-street space for deliveries / loading activities. Enforcement of the loading zone laws is having a negative impact on businesses in North Beach. This discussion is intended to find reasonable workarounds while a permanent solution is identified.

If you have any questions please do not hesitate to call our office at ext. 6473.

Thank you!

MIAMI BEACH

Commissioner John Elizabeth Alemán

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine
Members of the City Commission
City Manager Jimmy Morales

FROM: Commissioner Kristen Rosen Gonzalez

DATE: February 10, 2016

SUBJECT: **CONSIDERATION OF STRAW BALLOT ON WHETHER OR NOT TO
RETAIN CITY OF MIAMI BEACH RED LIGHT CAMERA PROGRAM**

I intend to separate Agenda Item C2B (entitled "Request for Approval To Issue A Request For Qualifications (RFQ) No. 2016-XXX-KB For Red Light Violation Camera Enforcement System And Related Support Services") for discussion.

I would respectfully request that, in conjunction with the discussion on Item C2B, the City Commission also hear the following discussion item, which proposes that we place a straw ballot question (on either of the upcoming election ballots in August or November, 2016) as to WHETHER OR NOT THE CITY SHOULD CONTINUE WITH THE RED LIGHT CAMERA ENFORCEMENT PROGRAM.

If there is sentiment among the majority of my colleagues to proceed with a ballot question to determine whether or not to keep the Program, then I think we should not proceed to issue an RFP under Agenda Item C2B.

KRG/RJA/mmm

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R10

CITY ATTORNEY REPORTS

R10

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Raul Aguila, City Attorney *RA*

DATE: February 10, 2016

SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. **Purdy Partners 1929, LLC. vs PetitUSA, LLC.** Case No. 16-26873 CA 01 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for inverse condemnation and damages. The tenant in the main tion served a third party complaint on the City on January 5, 2016 seeking damages as a result of the City's project to address flooding concerns on Purdy Avenue and the surrounding area. The tenant alleges that as a result of the construction work in the area, it was deprived access to its restaurant. Prior to the filing of a response, the tenant filed a voluntary Chapter 13 Petition in the United States Bankruptcy Court, Southern Division.

2. **Mirador Master Association, Inc. vs The City of Miami Beach, et al.**, Case No. 15-30339 CA 31 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for injunctive relief and damages in connection with the "Rising Above" project on West Avenue. The condominium properties are located at 1035 West Avenue, 1100 West Avenue, 1125 West Avenue, and 1200 West Avenue, Miami Beach, Florida. The Summons and Complaint and Verified Motion for Injunctive Relief were served on the City on January 5, 2016.

The Verified Petition was withdrawn and the case dismissed without prejudice prior to the emergency hearing scheduled for January 8, 2006.

3. **Romell R. Howard V. City of Miami Beach Police Department**, Case No. 15-023521 CA 01 (13) (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

The City was served with this complaint on January 6th 2016. The Plaintiff is alleging that he was arrested for tampering with evidence and possession of marijuana on April 2, 2015 that resulting in his detention for about 30 days after which both charges were dropped. He is alleging that he was detained unlawfully

for seven of those thirty days and filed suit against the City of Miami Beach Police Department to recover damages for the seven days he is alleging he was illegally detained. We have filed a motion to dismiss on the grounds that the police department is not a legal entity that is subject to sue or be sued. The motion also alleges that service to the City was insufficient considering that the party being sued is not subject to suit. Additionally, the City's motion to dismiss alleges that he did not comply with the pre-suit notice requirement of Fla. Stat. 768.28(6(a)).

4. **Wells Fargo Bank, N.A. vs Maria A. Garcia, et al.**, Case No. 15-20025 CA 06 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 812 NE 81 Street, Miami, Florida. The Summons and Verified Amended Complaint were served on the City on January 11, 2016.

The City's Answer and Affirmative Defense was filed on January 12, 2016.

5. **21st Mortgage Corporation vs Carlos Mejia, et al.**, Case No. 14-5510 CA 59 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7520 NE 3 Avenue, Miami, Florida. The Summons and Verified Second Amended Complaint were served on the City on January 13, 2016.

The City's Answer was filed on January 19, 2016.

6. **Federal National Mortgage Association vs 7149 Bay Drive Condominium Association, et al.**, Case No. 16-365 CA 27 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7149 Bay Drive, Unit 8, Miami Beach, Florida. The Summons and Complaint were served on the City on January 14, 2016.

The City's Answer and Affirmative Defense was filed on January 19, 2016.

7. **Eric Williams V. City Of Miami Beach**, Case No. 16-000773 CA 01 (24) (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

We were served with this Complaint on January 15, 2016 alleging that the Plaintiff stepped on a storm drain steel grate which gave way under him in the parking lot of Washington and 10th causing him to sustain injuries to his right leg. We shall file our answer and propound discovery to the plaintiff.

8. **Ditech Financial LLC vs Jose A. Rodriguez, et al.**, Case No. 15-26564 CA 23 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 8321 NW 7 Street, Unit 108, Miami, Florida. The Summons and Verified Complaint were served on the City on January 25, 2016.

The City's Answer was filed on January 29, 2016.

9. **South Beach Heights 1, LLC vs City of Miami Beach, et al.**, Case No. 16-1018 CA 22 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for declaratory relief in connection with the unpaid utility bill for the real property located at 630 Alton Road, Miami Beach, FL. The Summons and Complaint was served on the City on January 25, 2016.

The City's Answer and Affirmative Defense will be timely filed.

10. **CitiMortgage, Inc. vs Lazaro Roberto Verdasco, et al.**, Case No. 16-1192 CA 30 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 543 Meridian Avenue, Unit 8, Miami Beach, Florida. The Summons and Verified Amended Complaint were served on the City on January 29, 2016.

The City's Answer and Affirmative Defense will be timely filed.

11. **U.S. Bank National Association. vs Inna Klavkina, et al.**, Case No. 15-30225 CA 09 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 11655 NE 18 Drive, Miami, Florida. The Summons and Verified Amended Complaint were served on the City on January 29, 2016.

The City's Answer and Affirmative Defense will be timely filed.

12. **City of Miami Beach, Florida vs Raul Duran, et al.**, Case No. TBA (County Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to evict a residential tenant residing at 1632 Meridian Avenue, Apt. 203, Miami Beach, Florida. The Complaint was filed on January 29, 2016.

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REPORTS AND INFORMATIONAL ITEMS

1. Reports and Informational Items
(see LTC 048-2016)

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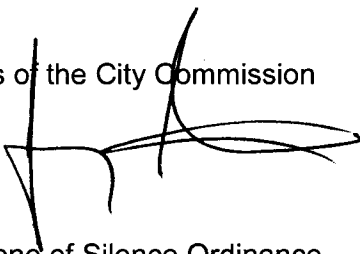
MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

043-2016

LETTER TO COMMISSION

To: Mayor Philip Levine and Members of the City Commission
From: Jimmy L. Morales, City Manager
Date: February 10th, 2016
Subject: List of Projects Covered by the Cone of Silence Ordinance



In an effort to disseminate information to elected officials and City staff relative to projects that are covered by the requirements of the City's Cone of Silence Ordinance, following is a list of all current solicitations (i.e., Invitation for Bids ("Bids"), Request for Proposals (RFPs), and Request for Qualifications (RFQs), that, to date, are covered by the ordinance. Please note that the Cone of Silence is in effect from the date the solicitation is advertised, as indicated below, through date of award by the City Commission.

Solicitation Number	Date Advertised and Issued	Document Title	Department
2015-100-ITB-YG	07/06/2015	Directional Bore Services for Electrical Street Lighting Conduits and Water Services For Water Meters	Public Works
2015-133-RFP-YG	05/05/2015	Design/Build Services for Neighborhood No. 8: Central Bayshore South Right-of-Way Infrastructure	CIP
2015-176-RFP-JR	05/11/2015	Elevator Inspections and Plans Review Services	Building
2015-201-ITB-WG	01/12/2015	Lease of Golf Course Turf Maintenance Equipment	Parks and Recreation
2015-245-RFQ-KB	12/15/2015	Architectural and Engineering Design Services for Lincoln Road District Improvements	CIP
2015-258-RFP-WG	09/25/2015	Collection and Disposal of Residential Solid Waste, Yard Trash, Bulk Waste, and Operation of the City's Green Waste Facility	Sanitation/Public Works
2016-004-ITB-MT	09/10/2015	Annual Inspection, Testing, Certification Repairs and Maintenance for the Citywide Fire Sprinkler Systems, Fire Pumps, Standpipes and Fire Backflow Preventers	Property Management
2016-031-ITB-AK	12/09/2015	Bus Transportation Services	Parks and Recreation

2016-032-ITB-AK	02/02/2016	Bicycle Purchase, Parts, Accessories and Repair Services	Police
2016-034-RFP-AK	01/20/2016	Fire & Police False Alarm Billing System	Police
2016-036-RFP-KB	01/15/2016	Design/Build Services for Police Station Building, Firing Range Ventilation Systems Replacement	CIP
2016-042-RFP-KB	12/18/2015	Design/Build Services for Stormwater Pump Station at Northeast Corner of Convention Center Drive	Public Works
2016-046-RFP-KB	02/12/2016 (Tentative)	Red Light Violation Camera Enforcement System & Related Support Services	Police
2016-048-ITB-MT	02/03/2016 (Tentative)	Electric Motor Rewind, Pump Repair and Maintenance	Public Works
2016-050-ITB-MT	02/03/2016 (Tentative)	Monitoring Services, Annual Inspection, Testing, Certification, Repair and Maintenance of Firm Alarm Systems Citywide	Property Management
2016-051-ITB-MT	02/03/2016 (Tentative)	Monitoring Services, Annual Inspection, Testing, Certification, Repair and Maintenance of Fire Extinguishers Systems Citywide	Property Management
2016-052-RFP-KB	12/18/2015	Design/Build Services for Stormwater Pump Station on 19 th Street Between Convention Center Drive and Meridian Avenue	Public Works
2016-057-RFP-WG	02/10/2016 (Tentative)	Investigation and Adjusting Service for Selected Tort Liability and Workers Compensation Claims	Human Resources
2016-062-RFP-KB	12/28/2015	Design/Build Services for the West Avenue Bridge Over Collins Canal	Public Works
2016-065-ITB-MT	02/03/2016 (Tentative)	Purchase of Heating, Ventilation and Air Conditioning (HVAC) Parts and Equipment	Property Management
2016-073-RFQ-KB	02/12/2016 (Tentative)	Construction Manager at Risk for Lincoln Road District Improvements	CIP

Please note that ITBs, RFPs, and RFQs are being issued on a daily basis. Therefore, it is recommended that you or your staff view the list of projects under the Cone of Silence on a regular basis. Should you have any questions or need additional information, please feel free to contact me.

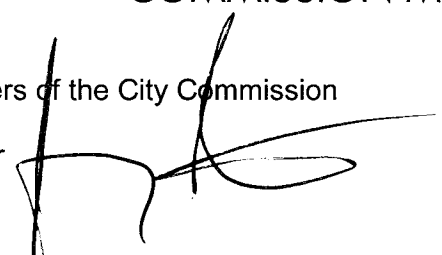

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 10, 2016

SUBJECT: **REPORT FROM COMMISSION COMMITTEES OF WITHDRAWN ITEMS NOT HEARD WITHIN (6) SIX MONTHS FROM REFERRAL DATE.**

Pursuant to Resolution No. 2013-28147, items that are referred to Commission Committees to be reviewed, but are not heard by that Committee within (6) six months of its referral date are automatically withdrawn.

Attached is a list of item(s) that were automatically withdrawn for January 2016:

Neighborhood/Community Affairs Committee

1. Discussion Regarding The Lack Of Availability Of Public Parking At 46th Street And Collins Avenue.

(Requested by Commissioner Steinberg/
February 11, 2015 City Commission Meeting, Item C4O)

Finance & Citywide Projects Committee

There are no items to be automatically withdrawn at this time.

Sustainability & Resiliency Committee

There are no items to be automatically withdrawn at this time.

Land Use & Development Committee

There are no items to be automatically withdrawn at this time.

JLM/REG

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Reports and Informational Items

4. Miami Beach Convention Center Monthly Construction Project Update - LTC.
(Office of the City Manager)
(LTC to be Submitted in Supplemental)

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